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Highlights

- 83172 Grant Programs—Adoption and Child Welfare HHS/Sec'y announces demonstration project to assist those wishing to comment on proposed regulations (Part VI of this issue)
- 82972 Nondiscrimination HHS/Sec'y proposes to require recipients of Federal financial assistance to evaluate accessibility of health care, welfare, and social services to beneficiaries with limited English proficiency
- 83110 Census Data Commerce/Census announces position on undernumeration adjustment for 1980 census (Part II of this issue)
- 82958 Housing HUD/FHC proposes to increase cost of construction limit on multifamily projects covered by HUD mortgage insurance and with certain assurance of completion; comments by 2–17–81
- 82925 Army Discharge Review Board DOD/Army extends to 4-1-81, deadline when certain applicants may apply for review without regard to normal 15-year application period
- 82912 Minority Business and Capital Ownership SBA establishes criteria and conditions for waiver of performance bonds for contractors in Section 8(a) Business Development Program; effective 12-17-80

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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- 82955 Credit Unions NCUA proposes to require semiannual filing of financial and statistical reports; comments by 2-17-81
- 82960 Freedom of Information DOD/DIS proposes policies and procedures for obtaining information from financial institutions; comments by 1-16-81
- 82915 Natural Gas DOE/FERC expands list of agricultural uses which are exempt from incremental pricing regulations; effective 12-5-80
- 82987 Petroleum Substitutes DOE gives notice of proposed amendments to guidelines to provide for categorical exclusion for certain grants of entitlements; comments by 12-31-80
- 83166 Surface Mining Interior/SMO provides for limited variance from requirements to return mined land on steep slopes to approximate original contour; effective 1–16–81 (Part V of this issue)
- 83126 Air Pollution Control EPA proposes to limit emissions of volatile organic compounds (VOC) from new, modified, and reconstructed gasoline tank truck loading racks at bulk terminals; comments by 2-17-81 (Part III of this issue)
- 82964 Hazardous Materials EPA makes available drafts of Technical Resource Documents concerning waste disposal facilities
- 83156 Grant Programs—Fisheries and Fishing
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- 82944 Telephones-Cable Television FCC clarifies processing policies for waiver of cross-ownership rules; effective 12–17–80
- 82973 Radio FCC proposes to investigate possibility of automating analysis and use of field intensity measurement data for AM broadcast stations; comments by 3–9–81
- 83072 Sunshine Act Meetings

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83126 Volatile organic compounds emissions, 1-21-81

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CONSUMER SUBJECT LISTING

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Rules and Regulations

Federal Register

Vol. 45, No. 244

Wednesday, December 17, 1980

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 USC 1510

U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents.
Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 905, 912, 913

Florida Citrus Fruits; Expenses, Rates of Assessment, and Carryover of Unexpended Funds

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rules.

SUMMARY: These regulations authorize expenses and rates of assessment for the 1980–81 fiscal period, to be collected from handlers to support activities of the committees which locally administer Federal marketing orders covering Florida citrus fruits.

DATES: Effective August 1, 1980, through July 31, 1981.

FOR FURTHER INFORMATION CONTACT:
Malvin E. McGaha, Chief, Fruit Branch,
F&V, AMS, USDA, Washington, D.C.
20250, telephone 202–447–5975. The Final
Impact Analysis relative to these final
rules is available on request from the
above named individual.

SUPPLEMENTARY INFORMATION: These final actions have been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and have been classified "not significant." These final rules are issued under marketing agreement and Orders 905, 912, and 913 (7 CFR Parts 905, 912, and 913), regulating the handling of specified citrus fruits grown in Florida. These agreements and orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). These actions are based upon the recommendations and information submitted by the respective Administrative Committees established under the orders, and upon other

available information. It is hereby found that the expenses and rates of assessment, as hereinafter provided, will tend to effectuate the declared policy of the act.

These actions were recommended at public meetings at which all present could state their views. There is insufficient time between the date when information became available upon which these final rules are based and when the action must be taken to warrant a 60-day comment period as recommended in E.O. 12044, and it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C 553). These orders require that the rates of assessment for a particular fiscal period shall apply to all assessable fruit handled from the beginning of such period which began August 1, 1980. To enable the committees to meet fiscal obligations which are now accruing, approval of the expenses and assessment rates is necessary without delay. Handlers and other interested persons were given an opportunity to submit information and views on the expenses and assessment rates at an open meeting of each committee. It is necessary to effectuate the declared purposes of the act to make these provisions effective as specified.

Therefore, new §§ 905.219 (M.O. 905), 912.220 (M.O. 912), and 913.216 (M.O. 913), are added to read as follows: (§§ 905.219, 912.220, and 913.216 expire July 31, 1981, and will not be published in the annual Code of Federal Regulations).

Marketing Order 905

§ 905.219 Expenses, rate of assessment, and carryover of unexpended funds.

- (a) Expenses that are reasonable and likely to be incurred by the Citrus Administrative Committee during fiscal period August 1, 1980, through July 31, 1981, will amount to \$223,400.
- (b) The rate of assessment for said period, payable by each handler in accordance with § 905.41, is fixed at \$0.00275 per carton (4/5 bushel) of fruit.
- (c) Unexpended funds in excess of expenses incurred during fiscal period ended July 31, 1980, shall be carried over as a reserve in accordance with \$905.42.

Marketing Order 912

§ 912.220 Expenses and rate of assessment.

- (a) Expenses that are reasonable and likely to be incurred by the Indian River Grapefruit Committee during fiscal period August 1, 1980, through July 31, 1981, will amount to \$23,850.
- (b) The rate of assessment for said period payable by each handler in accordance with § 912.41 is fixed at \$0.001 per carton (4/5 bushel) of grapefruit.

Marketing Order 913

§ 913.216 Expenses and rate of assessment.

- (a) Expenses that are reasonable and likely to be incurred by the Interior Grapefruit Marketing Committee during fiscal period August 1, 1980, through July 31, 1981, will amount to \$23,400.
- (b) The rate of assessment for said period payable by each handler in accordance with § 913.31 is fixed at \$0.002 per standard packed carton (4/5 bushel) of grapefruit.

(Secs. 1-19, 48 Stat. 31, as amended; (7 U.S.C. 601-674))

Dated: December 11, 1980.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 80–39229 Filed 12–16–80; 8:45 am] BILLING CODE 3410–02–M

7 CFR Part 965

[Docket No. AO-307-A1]

Tomatoes Grown in South Texas; Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This amends the Federal marketing order for tomatoes grown in South Texas. Of the tomato producers voting in the November 11–25 referendum, 85 percent favored the amendment. These growers produced 98 percent of the production voted. The amendment authorizes production research and marketing promotion including paid advertising, sets requirements for a public member to the committee, authorizes penalties on tomato handlers who pay assessments

late, and makes certain minor changes in the order.

EFFECTIVE DATE: January 16, 1981.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447–2615. The Final Impact Statement relative to this final rule is available on request from Mr. Porter.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been classified "not significant."

Prior documents in this proceeding:
Notice of Hearing—Issued July 9, 1980,
and published July 14, 1980 (45 FR
47155). Notice of Recommended
Decision—Issued September 19, 1980,
and published September 24, 1980 (45 FR
63288). Secretary's Decision—Issued
October 24, 1980, and published October
30, 1980 (45 FR 71805).

45 FR 71805

Preliminary Statement: This amendment was formulated on the record of a public hearing held at McAllen, Texas, July 30, 1980. Notice of the hearing was published in the July 14, 1980, issue of the Federal Register (45 FR 47155). The notice set forth a proposed amendment submitted by the Texas Valley Tomato Committee on behalf of tomato producers and handlers in the production area.

On the basis of the evidence introduced at the hearing and placed in the record, on September 19, 1980, the Deputy Administrator filed a recommended decision with the U.S. Department of Agriculture Hearing Clerk. Notice of such recommended decision was published in the September 24, 1980, issue of the Federal Register (45 FR 63288). In the recommended decision notice was given of the opportunity to file comments by October 9, 1980. None was filed.

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable

rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendment of Marketing Order No. 965 (7 CFR Part 965), regulating the handling of tomatoes grown in South Texas.

Upon the basis of the record, it is

found that:

(1) The order, as hereby admended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order, as hereby amended, regulates the handling of tomatoes grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing order upon which hearings have been held;

(3) The order, as hereby amended, is limited in its application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The order, as hereby amended, prescribes, so far as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the differences in the production and marketing of tomatoes grown in the production area; and

(5) All handling of tomatoes grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) Determinations. It is hereby determined that the issuance of this amendatory order, amending the aforesaid order, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the period October 1, 1979; through September 30, 1980 (which has been determined to be a representative period), have been engaged within the production area in the production of tomatoes for fresh market, such producers having also produced for market at least two-thirds of the volume of such commodity represented in the referendum.

45 FR 71806

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of tomatoes grown in South Texas shall be in conformity to and in

compliance with the terms and conditions of the said order, as hereby amended, as follows:

The provisions of the proposed marketing order, amending the order, contained in the recommended decision issued by the Deputy Administrator on September 19, 1980, and published in the Federal Register on September 24, 1980 (45 FR 63288), shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein.

1. Revise paragraphs (a) and (b) of § 965.22 to read:

§ 965.22 Establishment and membership.

(a) The Texas Valley Tomato
Committee is hereby established,
consisting of 10 members, including six
producers, three handlers, and one
public member. Each shall have an
alternate who shall have the same
qualifications as the member.

(b) Each committee member and alternate shall be a resident of the production area. Industry members shall be producers or handlers, or officers or employees of a producer or handler or of a producers' cooperative marketing organization, in the district for which selected. Those representing a producers' marketing cooperative shall be eligible to serve as a handler member or alternate. The public member shall be a person who has no financial interest in the commercial production or marketing of tomatoes except as a consumer, and shall not be a director, officer or employee of any firm so engaged.

2. Revise § 965.24 to read:

§ 965.24 Districts.

For the purpose of determining the basis for selecting committee members and alternates, the entire production area shall be considered a single district. However, the area may be redistricted pursuant to § 965.25.

3. Revise § 965.26 to read:

§ 965.26 Selection.

The Secretary shall select the committee members and alternates to reflect existing representation established pursuant to §§ 965.24 or 965.25.

4. Revise paragraphs (a), (c), and (d) of § 965.27 and add new paragraph (f) to read:

§ 965.27 Nomination.

(a) A meeting or meetings of producers and handlers shall be held in each district to nominate members and alternates on the committee. The committee shall hold such meetings or cause them to be held prior to June 15 of

each year, or by such other date as may be specified by the Secretary.

(c) Nominations for committee members and alternates shall be supplied to the Secretary in such manner and form as he may prescribe, not later than July 15 of each year, or by such other date as may be specified by the Secretary.

(d) Only producers may participate in designating producer nominees, and only handlers may participate in naming handler nominees. In the event a person is engaged in producing tomatoes in more than one district, such person shall elect the district within which to participate in designating nominees. * * * *

(f) The public member and alternate shall be nominated by the committee. The committee shall prescribe such additional qualifications, administrative rules and procedures for selection and voting for each candidate as it deems necessary and as the Secretary approves.

5. Revise § 965.31 to read:

§ 965.31 Alternate members.

An alternate member of the committee shall act in the place and stead of the member during such member's absence or when designated to do so. In the event both a member of the committee and that member's respective alternate are unable to attend a committee meeting, the member, alternate, or the committee, in that order, may designate another alternate from the same group (producer or handler) to serve in such member's stead. In the event of the death, removal, resignation, or disqualification of a member, the alternate shall act for the member until a successor for such member is selected and has qualified. The committee may request the attendance of alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members.

6. Revise § 965.32 to read:

§ 965.32 Procedure.

(a) At assembled meetings six members of the committee shall constitute a quorum and six concurring votes shall be required to approve any committee action. Such votes shall be cast in person.

(b) The committee may meet by telephone, telegraph, or other means of communication. The agendas of such meetings shall be limited to nonregulatory provisions and any vote cast shall be promptly confirmed in writing. On such occasions seven concurring votes shall be required to approve any action.

§ 965.35 [Amended]

7. Amend § 965.35(a) by inserting: * "or alternates" * * * after "subcommittees of committee members" Add a new paragraph (n) to § 965.35 to

(n) To recommend nominees for the public member and alternate.

§ 965.42 [Amended]

8. Amend § 965.42(a) by adding the following sentence to it:

(a) * * * If a handler does not pay the assessment within the time prescribed by the committee, the assessment may be increased by a late payment charge or an interest charge, or both.

Amend the first sentence of § 965.42(b) to read:

(b) Assessments, late payment charges and interest charges shall be levied upon handlers at rates established by the Secretary. * * *

§ 965.43 [Amended]

- 9. Amend § 965.43(a)(2) by revising the proviso in the first sentence to read as follows:
 - (a) * *
- (2) * * * Provided, That funds already in the reserve do not exceed approximately two fiscal periods budgeted expenses. * * *
 - 10. Add a new § 965.44 to read:

§ 965.44 Contributions.

The committee may accept voluntary contributions but these shall only be used to pay expenses incurred pursuant to § 965.48. Furthermore, such contributions shall be free from any encumbrances by the donor and the committee shall retain complete control of their use.

11. Revise § 965.48 to read:

§ 965.48 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of production research, marketing research and development projects, and marketing promotion including paid advertising designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of tomatoes. The expenses of such projects shall be paid from funds collected pursuant to § 965.42 or § 965.44.

12. Revise § 965.60(e) to read:

§ 965.60 Inspection and certification. *....

(e) The committee may recommend and the Secretary may require that no handler shall transport or cause the transportation of tomatoes by motor vehicle or by other means unless

shipment is accompanied by a copy of the inspection certificate issued thereon, or such other documents as may be required by the committee. Such certificates or documents shall be surrendered to proper authorities at such times and in such manner as may be designated by the committee, with the approval of the Secretary.

(Secs. 1-19, 48 Stat. 31, as amended; (7 U.S.C.

Signed at Washington, D.C., on December 11, 1980 to become effective January 16, 1981.

Deputy Assistant Secretary for Marketing Service.

[FR Doc. 80-39208 Filed 12-16-80; 8:45 am] BILLING CODE 3410-02-M

7 CFR Part 979

Melons Grown in South Texas: **Expenses and Rate of Assessment**

AGENCY: Agriculture Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses for the functioning of the South Texas Melon Committee. It will enable the committee to collect assessments from first handlers on all assessable melons grown in South Texas and to use the resulting funds for its expenses.

EFFECTIVE DATE: During fiscal period ending September 30, 1981.

FOR FURTHER INFORMATION CONTACT: C. W. Porter, Chief, Vegetable Branch, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447-2615. The Impact Analysis relating to this final rule is available upon request from Mr. Porter.

SUPPLEMENTARY INFORMATION: Findings. This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and

has been classified "not significant." Pursuant to Marketing Order No. 979 (7 CFR Part 979), regulating the handling of melons grown in South Texas. effective under the Agriculture Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the committee. established under the marketing order, and upon other information, it is found that the expenses and rate of assessment, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is further found that it is impracticable and contrary to the public interest to provide 60 days for interested persons to file comments, engage in public rulemaking procedure, and that good cause exists for not postponing the effective date of this section until 30 days after publication in the Federal Register (U.S.C. 553) as the order requires that the rate of assessment for a particular period shall apply to all assessable melons from the beginning of such period. Handlers and other interested persons offered no disagreement when given an opportunity to submit information and views on the expenses and assessment rate at an open public meeting of the committee held December 3, 1980, in McAllen, Texas. To effectuate the declared purposes of the act, it is necessary to make these provisions effective as specified.

A new § 979.203 is added to read as follows (this section is effective through September 30, 1981, and will not be published in the annual Code of Federal Regulations):

8 979,203 Expenses and rate of assessment.

- (a) The reasonable expenses that are likely to be incurred during the fiscal period ending September 30, 1981, by the South Texas Melon Committee for its maintenance and functioning and for such other purposes as the Secretary may determine to be appropriate will amount to \$69,000.
- (b) The rate of assessment to be paid by each handler in accordance with this part shall be one and one-quarter cents (\$0.0125) per carton of melons handled by him as the first handler thereof during the fiscal period.
- (c) In accordance with the provisions of § 979.42, late payment charges of one and one-half percent per month shall be charged on the unpaid balance for each past-due account. An account is pastdue 30 days after the billing date.
- (d) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve to the extent authorized in § 979.44(a)(1).
- (e) Terms used in this section have the same meaning as when used in the marketing agreement and this part.

(Secs. 1-19, 48 Stat. 31, as amended; (7 U.S.C. 601-674).

Dated: December 11, 1980.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 80-39228 Filed 12-16-80; 8:45 am]

BILLING CODE 3410-02-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 124

[Amendment 11]

Minority Small Business and Capital **Ownership Development Assistance**

AGENCY: Small Business Administration. ACTION: Final rules.

SUMMARY: The Small Business Administration is amending an existing regulation to establish criteria and conditions for the waiver of performance bonds for contractors participating in the 8(a) Business Development Program. This rule is authorized by the Small Business Act, as amended, and concerns procurement contracts given to the Small Business Administration. This waiver provision is intended to aid contractors participating in the 8(a) program in the development of their businesses.

EFFECTIVE DATE: December 17, 1980.

FOR FURTHER INFORMATION CONTACT: Milton Wilson, Jr., Director, Office of Capital Ownership Development, Bureau of Minority Small Business and Capital Ownership Development, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416; telephone: (202) 653-6526.

SUPPLEMENTARY INFORMATION: The regulations in final form establish criteria and conditions for the waiver of bonds for contractors participating in the 8(a) Business Development Program. Proposed rules were published in the Federal Register on April 4, 1980 (45 FR 22971). The final regulations have been expanded to include the amount of limitations for any necessary claims, procedures for notifying the Small Business Administration of a contractor's failure to perform or meet required payments, and the procedures by which the Small Business Administration will consider a waiver of bond and arrange for payment of any claims as a result of the bond waiver.

Accordingly, pursuant to authority contained in Section 411(a) of the Small Business Investment Act, 15 U.S.C. 694b, Part 124 of Chapter I of Title 13 of the Code of Federal Regulations is amended by adding § 124.1-5 as follows:

§ 124.1-5 Waiver of bonds required by any Government procurement officer.

(a) Policy. It is the policy of SBA to consider waiver of any bid, payment and performance bonds required by any Government Procurement Officer, whether pursuant to the Miller Act or otherwise, for and in connection with any 8(a) contract whenever it is determined by SBA that such bonding

requirement is inappropriate for the 8(a) contractor in the performance of the 8(a) contract. It is the intent of Congress that this authority be sparingly used as a business development tool, and only then with the expressed concurrence of the Administrator. The exercise of this authority by the Administrator is subject to the four conditions set forth in Section 8(a)(2) of the Small Business Act, as amended by Section 202(a) of Pub. L. 95-507.

(b) Eligibility. (1) The applicant must be a certified 8(a) contractor and must have been engaged in activities which required it to provide payment and/or performance bonds for a period of no more than two years and participating in the Section 8(a) Program for not more than one year.

(2) SBA must determine that the firm has the potential of becoming bondable if assisted for a limited period of time by the bond waiver.

(c) Conditions for SBA Waiver of Bond. (1) SBA must find that the concern is an eligible concern for which the bonds required by the Miller Act or by the procurement officer are inappropriate for the performance of a specific contract.

(2) SBA must be satisfied that the small concern cannot secure, either with or without an SBA guarantee, the bonds

required for the contract.

- (3) SBA will provide such technical and management assistance, including construction management services if the contract is for construction, as is necessary to assist the 8(a) concern in performing the specific 8(a) subcontract. Such assistance will be provided by means of contracts awarded to professional consulting firms pursuant to Section 7(j) of the Small Business Act, as amended.
- (4) SBA and the applicant concern must take measures as herein required to protect persons furnishing materials and labor to the 8(a) contractor whose bonds are waived by SBA.

(d) Limitations. (1) The maximum dollar value of an 8(a) contract on which a bond requirement can be waived is

\$100,000.

(2) The maximum liability of SBA to persons supplying materials and labor on each contract will be an amount equal to the amount of the payment bond that would have been required by the contract had the bond requirement not been waived by SBA.

(e) Protection of Third Parties. (1) The 8(a) concern must agree, by provision to be included in the Section 8(a) contract, that it will make timely payment to all persons furnishing materials and labor to the concern in the performance of the contract.

(2) The 8(a) concern must agree, also by provisions to be included in its contract with SBA, that the concern will establish a special bank account into which will be deposited all payments received in performing the contract. The concern must further agree that all disbursements from the special bank account shall be subject to approval and countersignature of an SBA representative. (This requirement for a controlled account will be satisfied if SBA makes an Advance Payment to the 8(a) concern pursuant to § 124.1-2 of SBA Regulations and a special controlled bank account is established in connection therewith.)

(3) If the 8(a) contract is a construction contract, the 8(a) contractor will notify persons supplying it with materials and labor that bonds required by the Miller Act have been waived for the contract and also notify them of SBA's limit of liability. The 8(a) contractor must obtain a written acknowledgment of such notification. and the acknowledgment must be in SBA's possession prior to award of the

(f) Notice of Nonpayment. (1) Persons not paid for the supplying of labor or materials to the contractor must notify the SBA contracting officer in writing within 90 days of the day on which the last of the labor or materials were performed or furnished. Claimants' notification must: (i) state the amount and origin of the debt; (ii) be accompanied by all relevant documentation; and (iii) be certified by an authorized official or agent of the claimant.

(2) In the handling of such claims, SBA may contract with a qualified professional claims servicing organization to evaluate, settle and/or pay valid claims of such persons.

(3) In the event the total amount of valid claims allocated to a specific contract exceed SBA's maximum liability on that contract, payment will be apportioned ratably among the

claimants.

(g) Step by Step Procedure for Consideration of Bond Waiver. (1) The Business Development Specialist (BDS) will serve as an advocate for the 8(a) contractor on bonding matters. There should be close coordination between the contractor, the BSD, and the Surety Bond Representative (SBR) concerning bonding requirements.

(2) Upon identification of a possible procurement and the 8(a) contractor, referral will be made to the Surety Bond Representative to review technical requirements pertaining to bonding

needs.

(3) After determination of the contractor's bonding needs, the SBR will refer the contractor to a surety for required bonding.

(4) If a bond cannot be acquired either with or without SBA's guarantee, a letter citing the reasons for decline must be obtained from the surety if a bond waiver is to be considered.

(5) The SBR and BDS will review the letter and other pertinent information regarding the contractor and the proposed procurement to determine the feasibility of a bond waiver. The SBR will be responsible for decisions pertaining to the technical soundness of a bond waiver and prepare a report citing the conclusions and recommendations.

(6) The Assistant District Director for Investments will review the recommendations and indicate his or her opinion. Recommendations will then be forwarded to AA/I, with copies going to the ADD/MSB-COD, ARA/MSB-COD, ARA/I, and AA/MSB-COD. If the Assistant District Directors or the Assistant Regional Administrator have concerns or disagree with the recommendations, they should immediately contact the AA/I and forward a memo citing these concerns. Based on reports and conclusions, the AA/I will make a final recommendation to the Administrator, through the AA/ MSB-COD, regarding the feasibility of a bond waiver. (Copies of recommendations should be forwarded to appropriate ADD's and ARA's.)

(7) The Administrator has the authority for final determination for

granting a bond waiver.

(8) If a bond waiver is granted, the SBR will monitor preformance and compliance with bonding requirements. notifying the BDS of any difficulties.

(9) Should conditions require a settlement of claims, the Office of Special Guarantees, in the Office of Investments, will coordinate the payment.

A. Vernon Weaver.

Administrator.

November 28, 1980. [FR Doc. 80-39145 Filed 12-16-80; 8:45 am] BILLING CODE 8025-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket C-2600]

West Coast Credit Corporation, d.b.a. Fidelity Finance Co., Inc.; Prohibited **Trade Practices and Affirmative** Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: This order reopens the proceeding and modifies the cease and desist order issued on August 20, 1975. 40 FR 12258, 84 F.T.C. 1328, by deleting the third It Is Further Ordered paragraph of the original order. This paragraph required that when the firm instituted suits in any superior court in Washington State, they attach to any summons served upon consumers a notice giving defendants an adequate explanation of what the summons meant and directions for avoiding default. Since the revised Washington Superior Court summons form now affords an adequate explanation, there no longer appears to be a need for this requirement.

DATES: Order issued Nov. 19, 1974. Modifying order issued Nov. 26, 1980.

FOR FURTHER INFORMATION CONTACT: Randall H. Brook, 10R, Seattle Regional Office, Federal Trade Commission, 28th Floor, Federal Bldg., 915 Second Ave., Seattle, Wash. 98174. (206) 442-4655.

SUPPLEMENTARY INFORMATION: In the Matter of West Coast Credit Corporation, d.b.a. Fidelity Finance Co., Inc. The prohibited trade practices and/ or corrective actions, as codified under 16 CFR Part 13, are unchanged.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 451

The Order Reopening the Proceeding and Modifying Decision and Order is as follows:

On November 19, 1974, the Federal Trade Commission issued a Decision and Order against West Coast Credit Corporation. West Coast Credit has since been acquired by Citicorp Washington Financial Center, Inc. ("Citicorp Washington"). It does business in Washington as both Citicorn Washington and Fidelity Finance. As successor to West Coast Credit, Citicorp Washington is bound by the terms of the

The order requires West Coast Credit to refrain from certain debt collection practices; among other things, the order requires West Coast Credit, whenever they cause consumers to be served with Washington Superior Court summons and complaints, to attach a clear explanation of what the summons means and how to avoid a default judgment.

The revised Washington Superior Court Rules summons form now appears to afford an adequate explanation to consumers, and obviates the need for the summons explanation forms required by the Commission. Due to this changed condition of fact, it appears to

the Commission that it is in the public interest to reopen this proceeding and alter its order to delete the portion of the order requiring a summons explanation form.

On September 24, 1980 the Commission issued an order to show cause why the Commission should not reopen the proceedings and delete the third It Is Further Ordered paragraph of the original order. Respondent did not reply to the Show Cause Order and no comments were filed.

It Is Ordered that the proceeding be

It is Further Ordered that the decision and order issued on November 19, 1974 is modified by deleting the third it is Further Ordered paragraph of the order.

By the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 80-39112 Filed 12-16-80; 8:45 am]

BILLING CODE 6750-01-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1030

Employee Standards of Conduct

AGENCY: Consumer Product Safety Commission.

ACTION: Amendment to rule.

SUMMARY: The Consumer Product Safety Commission is amending its Employee Standards of Conduct (1) to designate a new Ethics Counselor and alternate Ethics Counselor for all employee conduct and Ethics in Government Act matters, and (2) to delete the section implementing the former statutory prohibition against certain Commission employees accepting employment or compensation from a manufacturer subject to the Consumer Product Safety Act.

EFFECTIVE DATE: December 17, 1980.

20207, telephone 202/634-7770.

FOR FURTHER INFORMATION CONTACT: Robert T. Noonan, Attorney, Office of the General Counsel, Consumer Product Safety Commission, Washington, D.C.

SUPPLEMENTARY INFORMATION: Section 104 of the Commission's Employee Standards of Conduct, 16 CFR 1030.104, currently designates the Assistant Director, Division of Personnel Management, as the Commission Ethics Counselor for all matters pertaining to employee standards of conduct. In addition, the Chairman of the Commission has appointed the Deputy General Counsel of the Commission as the Commission's designated agency

ethics official under the Ethics in Government Act of 1978 (Pub. L. 95-521. 92 Stat. 1824, as amended). In this document, the Employee Standards of Conduct are revised to designate the Deputy General Counsel for Regulatory Affairs and General Law as the Commission's Ethics Counselor for both the Ethics in Government Act and the Employee Standards of Conduct, The Assistant General Counsel for General Law is designated as the alternate Ethics Counselor to act in the absence of the Ethics Counselor. This change is being made to combine the two ethics counseling functions (i.e., under the Employee Standards of Conduct and Ethics in Government Act) in one position, and to locate the ethics counseling functions in the Office of the General Counsel for a more expeditious resolution of questions of law arising under the Ethics in Government Act and the Employee Standards of Conduct regulations. In addition, the section is being revised to clarify the responsibilities of the Ethics Counselor consistent with guidance from the Office of Government Ethics (see 45 FR 50534, 50535).

Section 1201 of the Commission's Employee Standards of Conduct, 16 CFR 1030.1201, implements the second sentence of section 4(g)(2) of the Consumer Product Safety Act, 15 U.S.C. 2053(g)(2), which prohibited certain Commission employees from accepting employment or compensation from manufacturers subject to the Act for a period of one year after leaving the Commission. That statutory provision has now been repealed by Pub. L. 96-373, 94 Stat. 1366, enacted October 3, 1980. The Commission is accordingly deleting § 1030.1201 and deleting the reference to it in § 1030.104 of its **Employee Standards of Conduct** regulations.

Since these amendments deal only with internal agency organization and procedures, they are being made effective immediately and comments are not being solicited.

For the foregoing reasons, Part 1030 of Chapter II, Title 16 of the Code of Federal Regulations is amended as shown.

1. The authority citation for Part 1030 is revised to read as follows:

Authority: E.O. 11222, 30 FR 6469, 3 CFR, 1964–1965 Comp., p. 306; 5 CFR 735.101 et seq.; Pub. L. 95–521, 92 Stat. 1824, as amended by Pub. L. 96–19, 93 Stat. 37 [5 U.S.C. App.].

2. By revising § 1030.104 to read as follows:

§ 1030.104 Designation and functions of Ethics Counselor.

- (a) The Deputy General Counsel for Regulatory Affairs and General Law is designated the Commission's Ethics Counselor for all matters pertaining to standards of conduct for Commission employees. This function includes serving as the designated agency ethics official under the Ethics in Government Act
- (b) The Assistant General Counsel for General Law is designated as the alternate Commission Ethics Counselor and shall serve as acting Ethics Counselor in the absence of the Ethics Counselor.
 - (c) The Ethics Counselor shall:
- (1) Provide advice and guidance to employees on questions arising under this Part and under the Ethics in Government Act, including their right to use the grievance system to challenge determinations of the Ethics Counselor;
- (2) Initiate and maintain ethics education and training programs;
- (3) Review financial disclosure reports under this Part and the Ethics in Government Act;
- (4) Make determinations as to the existence of conflicts of interest or other proscribed actions under this Part and the Ethics in Government Act;
- (5) Supervise and monitor administrative actions and sanctions under this Part and the Ethics in Government Act; and
- (6) Provide liaison with the Office of Government Ethics.

§ 1030.1201 [Removed]

3. By removing § 1030.1201.

Dated: December 4, 1980.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Dot. 80-39190 Filed 12-16-80; 8:45 am]

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 3

Revision of Registration Regulations; Final Rules; Designation of New Part

Corrections

In FR Doc. 80–37859 appearing on page 80485 in the issue of Friday, December 5, 1980, make the following changes:

1. On page 80493, § 3.12, first column, ninth line of paragraph (b), delete the "s" on "agents".

2. On page 80497, second column, at the bottom, the FR Doc. line was omitted and should have read as follows:

[FR Doc. 80-37859 Filed 12-4-80; 8:45 am] BILLING CODE 6351-01-M". BILLING CODE 1505-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket No. RM80-48; Order No. 114]

Definition of Agricultural Use: Incremental Pricing; Final Rule

December 5, 1980.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final Rule.

SUMMARY: Title II of the Natural Gas Policy Act (NGPA) requires the Federal **Energy Regulatory Commission** (Commission), within certain guidelines, to institute and administer an incremental pricing program. The program is designed to pass through, by surcharge, to certain industrial facilities that use natural gas as boiler fuel, a portion of the increases in the wellhead prices of natural gas allowed under Title I of the NGPA. However, industrial facilities that use natural gas as boiler fuel for an agricultural use are currently exempt from the incremental pricing program. The Commission is amending its regulations that define "agricultural use" of natural gas for purposes of an exemption from incremental pricing under Title II of the NGPA by adding eight uses of natural gas to the definition of agricultural use in § 282.202(a) of the regulations.

EFFECTIVE DATE: December 5, 1980. FOR FURTHER INFORMATION CONTACT:

Roger B. Coven, Office of General Counsel, 825 North Capitol Street, NE., Room 4001, Washington, D.C. 20426, (202) 357-9124

Barbara Christin, Office of General Counsel, 825 North Capitol Street, NE., Room 8602B, Washington, D.C. 20426, (202) 357-5555

Definition of Agricultural Use in § 282.202(a) of the Commission's Regulations on Incremental Pricing, Docket No. RM80-48, Order No. 114, Final Rule.

December 5, 1980.

I. Introduction

The Federal Energy Regulatory Commission (Commission) is amending its regulations on incremental pricing (18

CFR Part 282) under Title II of the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. 3301-3432). Specifically, the list of agricultural uses of natural gas set forth in § 282.202(a), which are exempt from the incremental pricing regulations, is expanded by the addition of the following: Hardboard, wood preserving, cellulosic man-made fibers, processed cotton linters, food preservative BHA, food-grade waxes (food containers), metal shipping containers (food related), and naturally occurring vitamins.

II. Background

Title II of the NGPA requires the Commission, within certain guidelines. to institute and administer an incremental pricing program. The program is designed to pass through, by surcharge, to certain industrial facilities that use natural gas as boiler fuel, a portion of the increases in the wellhead prices of natural gas allowed under Title of the NGPA. However, industrial facilities that use natural gas as boiler fuel for an agricultural use, as defined in section 206(b) of the NGPA, are currently exempt from the incremental pricing program. Section 206(b)(3) defines "agricultural use" as follows:

(b)(3) AGRICULTURAL USE DEFINED .-For purposes of this subsection, the term "agricultural use", when used with respect to natural gas, means the use of natural gas to the extent such use is-

(A) for agricultural production, natural fiber production, natural fiber processing, food processing, food quality maintenance, irrigation pumping, or crop drying; or

(B) as a process fuel or feedstock in the production of fertilizer, agricultural chemicals, animal feed, or food.

The definition of "agricultural use" originally proposed by the Commission to implement this exemption was limited to those uses of natural gas certified as "essential agricultural uses" by the Secretary of Agriculture pursuant to Title IV of the NGPA. After reviewing comments submitted on the proposal, the Commission expanded the definition of "agricultural use" in the final regulations to include the Standard Industrial Classification (SIC) Codes representing the processing and finishing of natural fiber by the textile industry.

After the issuance of the final regulations, representatives of the wood and paper industries filed petitions for rehearing of the regulations requesting

¹ Proposed Regulations Implementing the Incremental Pricing Provisions of the Natural Gas Policy Act of 1978, Docket No. RM79-14, issued June 5, 1979, 44 FR 33099 (June 8, 1979).

that the definition of agricultural use be further expanded to encompass wood processing. In Order No. 49-A the Commission granted the petitions for rehearing and amended its regulations to include the SIC Code representing the processing of wood.3 Subsequently, the Commission received additional requests for inclusion of specific uses of natural gas within the definition of agricultural use in the form of petitions for rehearing of Order No. 49-A requests for interpretations, and an application for an adjustment. In its Order Denying Rehearing of Order No. 49-A, issued in Docket No. RM79-14 on February 21, 1980 (45 FR 13,068, February 28, 1980), the Commission stated that the most efficient and appropriate method of handling these additional requests would be to consider them in a separate docket. Accordingly, on April 10, 1980, the Commission issued a Notice of Proposed Rulemaking (Notice) in this docket (45 FR 25,825, April 16, 1980). The Notice contained a description of the uses set forth in the petitions for rehearing, the requests for interpretations, and the application for adjustment, 4 and requested comment on additional uses which should be included in the definition of agricultural

Twelve persons filed written comments in this docket. Three of those twelve persons also presented oral statements at a public hearing held in Washington, D.C. on June 3, 1980. In addition, the Commission has considered the applications for rehearing of Order No. 49-A, and the requests for interpretations or adjustments referred to in the Notice. The uses of natural gas that the Commission has considered in this docket for inclusion in the definition of agricultural use are discussed below.

III. Summary of Comments and **Revisions to Regulations**

A. SIC Code 24996 Hardboard, Tempered and Untempered

In its application for rehearing of Order No. 49-A, the American Hardboard Association requested the Commission to define agricultural use to include the manufacture of hardboard (SIC Code 24996), which is a panel

² Docket No. RM79-14, Order No. 49, issued September 28, 1979, 44 FR 57726 (October 5, 1979). See also Interim Rule, Docket No. RM80-75, issued October 6, 1980, 45 FR 67276 (October 9, 1980).

³ Docket No. RM79-14, Order No. 49-A, issued December 27, 1979, 45 FR 767 (January 3, 1980).

Petitions for rehearing of Order No. 49-A were filed by Man-Made Fiber Producers Association and American Hardboard Association. Requests for an interpretation were filed by Petrolite Corporation, Bareco Division; Universal Oil Products Company, Process Division; and National Steel Corporation. Great Lakes Steel Division. A request for an adjustment or interpretation was filed by Knowlton Brothers, Southern Cellulose Division.

manufactured from wood fibers. The Commission has determined that wood is a natural fiber, and, as such, the processing of wood comes within the definition of agricultural use set forth in section 206(b) of the NGPA. (Order No. 49–A at 7.) Since the manufacture of hardboard involves the processing of wood, a natural fiber, the Commission is adding SIC Code 24996 to its definition of agricultural use.

B. SIC Code 2491 Wood Preserving

The American Wood Preservers
Institute (AWPI) requested that the
Commission add SIC Code 2491 to
§ 282.202(a), stating that wood
preserving involves the processing of
natural fibers (lumber, plywood, timber,
poles, and ties) to increase their useful
life. Since the Commission has
determined that wood is a natural fiber,
the processing of wood to increase its
useful life is "natural fiber processing"
and, as such, an agricultural use of
natural gas. Therefore, SIC Code 2491 is
added to § 282.202(a).5

C. SIC Code 2823 Cellulosic Man-Made Fibers

In a petition for rehearing of Order No. 49–A, Man-Made Fiber Producers Association (Man-Made) proposed the addition of SIC Code 2823 to § 282.202(a). The manufacture of cellulosic man-made fibers (SIC Code 2823) involves the processing of pulp (cellulose), a fibrous substance derived from wood, into man-made fibers such as rayon, acetate, and triacetate. The Commission believes that wood pulp is a natural fiber and, thus, the processing of wood pulp is "natural fiber processing." Accordingly, SIC Code 2823 is added to § 282.202(a).

Man-Made also requested that the Commission determine that the processing by textile mills of the manmade fibers themselves is "natural fiber processing." The Commission does not grant this request, because, by this stage in the manufacturing process, the material being processed is no longer natural fiber. The processing of rayon, acetate, and triacetate can no longer be characterized as "natural fiber processing" but instead is the processing of synthetic man-made fibers and, thus, does not qualify as an agricultural use.

In comments filed in this docket, Man-Made requested that the Commission clarify that natural fiber processing "includes processing of fabrics composed of blends of cotton and other natural fibers with man-made fibers." The Commission rejected this request when it stated in Docket No. RM80–16 that, "in the case of textile mills which process or produce a product that is a combination of natural and synthetic fibers, the volume of natural gas which shall be exempt is limited to the portion of natural gas related to processing the natural fiber in the blend." ⁶

D. SIC Code 2899 Chemicals and Chemical Preparations, Not Elsewhere Classified—Chemical Cotton (Processed Cotton Linters)

The Southern Cellulose Products
Division of Knowlton Brothers filed an application for an interpretation or an adjustment requesting a determination that natural gas used as boiler fuel in the processing of cotton linters is an agricultural use under section 206(b) of the NGPA, and, as such, is exempt from incremental pricing. In the Notice, the Commission proposed to include the processing of cotton linters in § 282.202(a), and no comments were received in opposition.

Cotton linters are short fuzzy fibers that adhere to cottonseed after the cotton ginning operation has removed the staple cotton, or lint fibers. The cotton linters are processed into cotton linter pulp which is then used in the production of other products. Since the Commission has determined that cotton is a natural fiber, the processing of cotton linters into pulp is "natural fiber processing," and, as such, is an agricultural use. The Commission therefore is adding SIC Code 2899 (processed cotton linters) to § 282.202(a).7

E. Manufacture of Food Preservative BHA

The Process Division of Universal Oil Products Company filed a request for an interpretation that natural gas used to produce the food preservative butylated hydroxyanisole (BHA) is exempt from incremental pricing as an agricultural use. In the Notice, the Commission proposed to include such use in

⁶ Order No. 86, Docket No. RM80–16, issued May 8, 1980, at 7–8, 45 FR 31,983 (May 15, 1980).

§ 282.202(a), because BHA is necessary for "food quality maintenance." No comments were received in opposition.

Upon consideration, the Commission has determined that BHA is a preservative that is necessary for food quality maintenance. Accordingly, the manufacture of BHA is added to the definition of agricultural use.

F. Manufacture of Food-Grade Microcystalline and Synthetic Paraffin Waxes

The Bareco Division of Petrolite Corporation requested an interpretation that its boiler fuel use of natural gas in the manufacture of food-grade microcrystalline and synthetic paraffin waxes is an agricultural use. The manufacture of food-grade waxes, as entire food containers, was certified as an "essential agricultural use" by the Secretary of Agriculture (Secretary) on July 2, 1980 (45 FR 45887, July 8, 1980). Any use of natural gas certified by the Secretary after October 15, 1979, the initial effective date of § 282.202(a), is considered by the Commission on a case-by-case basis. (Docket No. RM80-75, Interim Rule, issued October 6, 1980, 45 FR 67276, October 9, 1980.)

Food-grade wax is used both as a protective coating on foods such as cheeses, fruits, and vegetables, and as a necessary coating for many food packages, including milk cartons, frozen food packages, and meat wraps.

In the Notice, the Commission stated that it was inclined to determine that the manufacture of food-grade microcrystalline and synthetic paraffin waxes is an agricultural use because food-grade waxes appear to be necessary for food quality maintenance. However, upon further consideration, and upon review of the Secretary's action with respect to the manufacture of food-grade waxes, the Commission has determined that not all such manufacturing is an agricultural use. The Commission's definition of agricultural use in § 282.202(a) includes the SIC Codes relating to the manufacture of food-related metal cans, glass jars, and paper cartons, because the manufacture of such containers is necessary for "food quality maintenance." Food-grade wax, when used to coat cheeses, fruits, or vegetables, constitutes the entire food package and provides much the same protection as would a metal can, a glass jar, or a paper carton. Accordingly, the Commission adopts the Secretary's certification of natural gas used in the production of food-grade petroleum wax, synthetic petroleum wax, and polyethylene wax for use as entire food

⁵At a public hearing held on June 3, 1980, AWPI also requested that the Commission include this SIC Code retroactively to the inception of the incremental pricing program. The Commission denies the request. To retroactively include this code would result in an additional administrative burden that would far outweigh the overall benefit to be gained.

Tone commenter questioned the necessity of adding SIC Code 2899, stating that the code was already included as part of the original list certified by the Secretary of Agriculture. However, SIC Code 2899 Chemicals and Chemical Preparations, n.e.c. (salt—food and feed grade only) is not listed in § 282.202(a) because that code applies only to process and feedstock uses of natural gas (which uses are not currently subject to incremental pricing). The exemptions adopted in this rulemaking apply only to the boiler fuel use of natural gas.

containers and amends § 282.202(a) to include such use.

On the other hand, the use of foodgrade wax as an essential coating or lining for food packages is a secondary input with respect to the manufacture of food packages. This use of food-grade wax is similar to the use of paper, paperboard, glue, sheet steel, and other materials purchased by food packaging manufacturers. The production of these materials is not an agricultural use relating to "food quality maintenance." ⁸ The Commission agrees with the Secretary's statement that:

[T]o include the production of food grade waxes which become an input for paper coating and glazing would constitute unequal treatment for similar kinds of inputs which have been regarded as secondary to the food quality maintenance function of actually fabricating containers. (45 FR 45888.)

For these reasons, the Commission has determined that the production of food-grade wax for use as a coating or lining for food packaging materials is a secondary input into the manufacture of food packaging and, thus, is not an agricultural use of natural gas.

G. Production of Steel Used in the Manufacture of Metal Food Cans

The Great Lakes Steel Division of Natural Steel Corporation requested an interpretation that its use of natural gas in the production of steel for use in the manufacture of food cans is an agricultural use.9 As stated in the Notice, the Commission is of the view that natural gas used in the production of steel which in turn is processed into tinplate for use in the manufacture of food cans does not qualify as an agricultural use as defined in section 206(b) of the NGPA. As noted above, while food packaging industries are included in the definition of agricultural use, the production of food packaging materials is not a primary input into the food quality maintenance chain and, therefore, is not an agricultural use of natural gas. Only the manufacture of the container, not the production of the material from which it is made, qualifies for inclusion in § 282.202(a).

The Commission's determination is consistent with the determination by the Secretary to include the manufacture of metal food cans in the list of essential agricultural uses, but to exclude the production of steel, because it is a secondary or tertiary input into the food

system. (See Department of Agriculture's Interim Final Rule, Part 2900—Essential Agricultural Uses and Volumetric Requirements—Natural Gas Policy Act, 44 FR 11518, 11522 (March 1, 1979).)

H. Production of Food-Grade Tin Used in the Manufacture of Metal Food Cans

Proler International Corporation proposed that the production of foodgrade tin which is used in the manufacture of metal food cans be added to § 282.202(a). The Commission does not adopt this proposal for the reasons stated above relating to the production of materials used in the manufacture of food packaging.

I. SIC Code 3412 Metal Shipping Barrels, Drums, Kegs, and Pails (Agricultural Related Only)

The Steel Shipping Container Institute argued in comments filed in this docket that natural gas used to produce metal shipping barrels, drums, kegs and pails used for storing agricultural chemcials and foods should be exempt from incremental pricing as an agricultural use.

With regard to shipping containers used for storing agricultural chemicals necessary for agricultural production, the manufacture of such containers is clearly not a primary input into the food chain, as is the manufacture of food packages, and, therefore, is not an agricultural use.

However, the Commission believes that the manufacture of shipping containers used for storing foods is an agricultural use. On July 2, 1980, the Secretary certified SIC Code 3412 (food related only) as an essential agricultural use of natural gas. (45 FR 50549, July 8, 1980.) As noted above, uses certified as "essential agricultural uses" by the Secretary after October 15, 1979, are not automatically adopted by the Commission as "agricultural uses" for incremental pricing purposes, but are considered on a case-by-case basis. Based upon a consideration of the comments received in this docket and the Secretary's rationale for certifying SIC Code 3412 (food related only), the Commission has determined the use of natural gas in the manufacture of shipping containers used to package foods is an agricultural use. The Commission views such use of natural gas as indistinguishable from other agricultural uses of natural gas for the manufacture of sanitary food containers and food packaging necessary for food quality maintenance. Accordingly, SIC Code 3412 (food related only) is added to § 282.202(a).

J. SIC Code 28332 21 Naturally Occurring Vitamins (From Yeast, Plants, Fish, Liver, etc.) and SIC Code 28995 98 Other Industrial Chemical Specialities, Not Elsewhere Classified (Starch Graft Polymers)

Henkel Corporation filed written comments urging the Commission to add the two SIC Codes referenced above to § 282.202(a). SIC Code 28332 21 encompasses the production of naturally occurring vitamins utilized in nutritional and dietary supplements. The Commission believes that, since naturally occurring vitamins are a component of food, their manufacture is "food processing," and, as such, is within the definition of agricultural use. For this reason, the use of natural gas in the production of naturally occurring vitamins is added to § 282.202(a).

Starch graft polymers (SIC Code 28995 98) are produced by a reaction of pregelatinized corn starch with an acrylic monomer and are used primarily to hold moisture in soil and to aid in seed germination. Because starch graft polymers are neither food nor natural fiber, their production cannot be characterized as food or natural fiber production or processing. Instead, the production of starch graft polymers represents a secondary imput into the food chain, and, as such, is not an agricultural use. Accordingly, SIC Code 28995 98 is not added to § 282.202(a).

K. SIC Code 3523 Farm Machinery and Equipment and SIC Code 3448 Prefabricated Metal Buildings and Components

The Butler Manufacturing Company (Butler) proposed the addition to § 282.202(a) of the SIC Codes listed above representing the manufacturing of farm machinery and equipment (such as cattle feeding equipment, crop dryers. feed grinders, incubators, silo filters and unloaders, fertilizer spreaders, and barn cleaners) and prefabricated metal buildings (such as storage bins and silos). Butler argued that the boiler fuel use of gas in the manufacture of such equipment and buildings is an agricultural use because farm equipment is a primary input into the food chain system, and prefabricated metal buildings have a close and vital connection to food production and food processing.

The Commission notes that while such manufacturing operations are certainly part of the "agricultural production" chain, these operations are at least one step removed from the actual production or processing of the agricultural product itself. The definition of agricultural use in § 282.202(a) as it relates to

⁸However, the production of some of these materials may be included in the definition of agricultural use as "natural fiber processing."

^{*}Great Lakes Steel has also submitted written comments in this docket. In addition, the Jones & Laughlin Steel Corporaton filed written comments supporting the position taken by Great Lakes Steel.

"agricultural production" is generally limited to those SIC Codes representing the on-farm use of natural gas for the production of crops or the raising of livestock, Similarly, the definition of agricultural use in § 282.202(a) as it relates to "food processing" is limited to the SIC Codes representing the actual production, preparation or processing of the food product. This distinction is analogous to the distinction the Commission has made in this rule between the manufacture of steel or tin used to make food cans, and the manufacture of the food cans themselves. The former, while part of the "food quality maintenance" chain, is at least one step removed from the "food quality maintenance" of the food itself. Accordingly, Butler's proposal to adopt these additional SIC Codes is rejected.

L. SIC Code 2869 (Production of Carbon Disulfide)

The Stauffer Chemical Company proposed the inclusion within the agricultural use definition of the production of carbon disulfide which is used in the direct processing of wood pulp into rayon and other cellulosic products. However, Stauffer stated that natural gas is used as process fuel in the production of carbon disulfide and not as boiler fuel. Since the scope of the incremental pricing program presently extends only to natural gas used as boiler fuel, the natural gas used in the production of carbon disulfide is not subject to incremental pricing. Accordingly, it is not necessary for the Commission to consider adding SIC Code 2869 to § 282.202(a) at this time.

M. SIC Codes 2841, 2843, 2869 and 2899 (Agricultural Raw Material Only)

The Humko Sheffield Chemical Division of Kraft, Inc. filed written comments requesting the Commission to include in § 282.202(a) the processing of agricultural products and byproducts (such as tallow, fish oils, vegetable oils, and tall oils) into chemical intermediates (such as fatty acids, fatty amides, fatty amines, dimer acids and glycerine) for use in producing plastics, lubricants, detergents, food emulsifiers, pharmaceuticals and textiles. The Commission believes that the described processes are too far removed from the food chain to qualify as agricultural uses. Although the raw materials which are processed may be agricultural in nature, the processing of these materials does not constitute "food processing" or "natural fiber processing." Accordingly, the above-referenced SIC Codes are not added to § 282.202(a).

IV. Effect of Alternative Fuel Test

The amendment adopted in this final rule allows an exemption for the subject uses until such time as the Commission promulgates a rule, pursuant to section 206(b)(2) of the NGPA, determining that an alternative fuel is economically practicable and reasonably available for such agricultural uses or users. All exemptions encompassed by § 282.202(a) will become subject to the provisions of such a rule upon its effective date. (See 18 CFR 282.203(b).)

V. Effective Date

The final rule is effective immediately, in accordance with 5 U.S.C. 553(d)(1), because it establishes exemptions ¹⁰ from the Commission's incremental pricing regulations.

(Natural Gas Policy Act of 1978, Pub. L. 95–621, 92 Stat. 3350 (15 U.S.C. 3301–3432)

In consideration of the foregoing, § 282.202(a)(1) of Part 282 of Subchapter I, Chapter I, Title 18, Code of Federal Regulations is amended as set forth below, effective December 5, 1980.

By the Commission.

Kenneth F. Plumb,

Secretary.

Section 282.202(a)(1) is amended by revising subdivisions (ii) and (iii) to read as follows:

§ 282.202 Definitions.

(a)(1) "Agricultural use" means:

(ii) any use of natural gas certified by the Secretary of Agriculture after October 15, 1979, if the Commission issues an order adopting such certification pursuant to the provisions of paragraph (a)(2) of this section and lists such use below:

Industry SIC No. and Industry Description
Food Quality Maintenance—Food Packaging
3412 Metal Shipping Barrels, Drums, Kegs,
and Pails (food related only).

Petroleum wax, synthetic petroleum wax, and polyethylene wax (food-grade only) as food containers.

(iii) any use of natural gas determined by the Commission to be an agricultural use and listed below: *Provided*, That, the use of such natural gas in textile operations is limited as set forth below to the production or processing of natural fiber:

Industry SIC No. and Industry Description
Food Processing

28332 21 Naturally occuring vitamins.

Natural Fiber Processing

Broad Woven Fabric Mills, Cotton.
 Broad Woven Fabric Mills, Man-made Fiber and Silk (natural fiber processing only).

223 Broad Woven Fabric Mills, Wool (Including Dyeing and Finishing).

224 Narrow Fabrics and Other Smallwares Mills: Cotton, Wool, Silk, Man-made Fiber (natural fiber processing only).

2257 Circular Knit Fabric Mills (natural fiber processing only).

2258 Warp Knit Fabric Mills (natural fiber processing only).

226 Dyeing and Finishing Textiles, Except Wool Fabrics and Knit Goods (natural fiber processing only).

228 Yarn and Thread Mills (natural fiber processing only).

2291 Felt Goods, Except Woven Felts and Hats (natural fiber processing only). 2293 Paddings and Upholstery Filling

(natural fiber processing only). 2294 Processed Waste and Recovered Fibers and Flock (natural fiber processing

only). 2295 Coated Fabric, Not Rubberized (natural fiber processing only).

2297 Nonwoven Fabrics (natural fiber processing only).

2299 Textile Goods, Not Elsewhere Classified (natural fiber processing only).

2421 Sawmills and Planning Mills, General. 2435 Hardwood Veneer and Plywood.

2436 Softwood Veneer and Plywood.

2491 Wood Preserving.

2492 Particle Board.

24996 Hardboard, tempered and untempered.

2611 Pulp Mills.

2621 Paper Mills, Except Building Paper Mills.

2631 Paperboard Mills.

2661 Building Paper and Building Board Mills.

2823 Cellulosic Man-Made Fibers.

2899 Chemicals and Chemical Preparations, Not Elsewhere Classified (Chemical cotton—processed cotton linters only).

Food Quality Maintenance

Food Preservative BHA.

[FR Doc. 80-39154 Filed 12-16-80; 8:45 am] BILLING CODE 6450-85-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 43b

Membership Roll of Delaware Indians of Western Oklahoma; Preparations, Certification and Approval of Roll

December 12, 1980

AGENCY: Bureau of Indian Affairs.

ACTION: Final rule.

SUMMARY: The Bureau of Indian Affairs is adding a new part to its regulations to establish procedures to govern the preparation, certification, and approval

¹⁰ Exemptions are not automatic. An industrial facility using natural gas as boiler fuel may claim an agricultural exemption pursuant to the definition set forth in § 282.202(a) by filing an exemption affidavit according to the procedure set forth in § 282.204.

of a membership roll of Delaware Indians of Western Oklahoma. The Act of August 1, 1980, (94 Stat. 968), Pub. L. 96-318, directs the Secretary of the Interior to prepare certain rolls of Delaware Indians to share in the distribution of funds awarded in judgments of the Indian Claims Commission. The membership roll of the Delaware Indians of Western Oklahoma is one of the rolls to be prepared to serve as a basis for the distribution of the judgment funds.

EFFECTIVE DATE: The new regulations will become effective on January 16, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Terry Bruner, Anadarko Agency, Bureau of Indian Affairs, P.O. Box 309, Anadarko, Oklahoma 73005, telephone number: 405-247-6673; FTS: 743-7272.

SUPPLEMENTARY INFORMATION: Proposed regulations for the Preparation, Certification, and Approval of a Membership Roll of the Delaware Indians of Western Oklahoma were published for comment in the Federal Register on September 18, 1980 (45 FR 62151). The comment period on the proposed rules closed on October 20. 1980.

Although no comments or suggestions were received specifically referring to the regulations proposed in this Part, certain comments were received concerning the regulations proposed in Part 43c which are also applicable to this Part.

A. Comments Adopted

As a result of comments received, the following changes were made including changes made for correction purposes:

(1) Commentors urged that the filing period specified in § 43c.3(c), which is to be the same length of time as specified in § 43b.3(b), be 60 days. Accordingly, we are providing for a 60 day filing period. The deadline for filing applications will be 60 days from the effective date of the regulations or, in other words, 90 days from publication of final rules in the Federal Register. (March 17, 1981.)

(2) Certain other changes are being made to correct an erroneous citation of authority, a typographical mistake, and a typesetting error: Section 10 of Pub. L. 96-318, 94 Stat. 968, 971, should be included in the authority citation appearing after the table of contents for Part 43b and 87 Stat. 406 should be deleted; in section 1(b) of Article III of the constitution and bylaws of the Delaware Tribe of Western Oklahoma quoted in § 43b.3(a), the statute reference for the Act of March 2, 1895, should be 28 Stat. 876; and the heading

of § 43b.10 "Decisions of the Secretary on appeals" should be set off in boldface type.

B. Comments Not Adopted

Recommendations received concerning the regulations proposed in Part 43c which would also have been applicable to this Part, but were not adopted, related to the definition of "Sponsor" in § 43b.1. For further information concerning the recommendations and why they were not adopted, refer to item numbered (1) under "Comments not adopted" appearing in the Supplementary Information portion of the regulations being added as 25 CFF Part 43c.

The authority to issue these rules and regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9); and section 10 of Pub. L. 96-318, 94 Stat. 968, 971. This final rule is published in exercise of rulemaking authority delegated by the Secretary of the Interior to the Assistant Secretary-Indian Affairs by 209 DM 8.

Note.—The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

The primary author of this document is Kathleen L. Slover, Branch of Tribal Enrollment Services, Division of Tribal Government Services, Bureau of Indian Affairs, telephone number 703-235-8275.

Subchapter F of Chapter I of Title 25 of the Code of Federal Regulations is hereby amended by the addition of a new part to read as set forth below. Thomas W. Fredericks,

Deputy Assistant Secretary-Indian Affairs. Part 43b is added to read as follows:

PART 43b—PREPARATION OF A MEMBERSHIP ROLL OF DELAWARE INDIANS OF WESTERN OKLAHOMA

Sec.

43b.1 Definitions.

43b.2

43b.3 Qualifications for enrollment and the deadline for filing.

43b.4 Notices and application forms.

43b.5 Filing of applications.

43b.6 Burden of proof.

Action by the Tribe. 43b.7

43b.8 Action by the Superintendent.

43b.9 Appeals.

43b.10 Decision of the Secretary on appeals. 43b.11

Preparation of roll.

43b.12 Certification and approval of the roll.

Special instructions.

Authority: 5 U.S.C. sec. 301, R.S. secs. 463 and 465; 25 U.S.C. 2 and 9, and sec. 10 of Pub. L. 96-318, 94 Stat. 968, 971.

§ 43b.1 Definitions.

As used in these regulations:

(a) "1980 Act" means the Act of Congress approved August 1, 1980 (94 Stat. 968), Pub. L. 96-318, which authorizes and directs the Secretary to prepare rolls of persons who meet the requirements specified in the Act and to distribute certain judgment funds to

(b) "Secretary" means the Secretary of the Interior or his/her authorized

representative.

(c) "Assistant Secretary" means the Assistant Secretary of the Interior for Indian Affairs or his/her authorized

representative.
(d) "Director" means the Area Director, Anadarko Area Office, Bureau of Indian Affairs or his/her authorized

representative.

(e) "Superintendent" means the Superintendent, Anadarko Agency, Bureau of Indian Affairs or his/her authorized representative.

(f) "Staff Officer" means the Enrollment Officer or other person authorized to prepare the roll.

(g) "Tribe" means the Delaware Tribe

of Western Oklahoma.

(h) "Tribal Executive Committee" means the governing body of the Delaware Tribe of Western Oklahoma.

(i) "Tribal Membership Committee" means the tribal committee responsible for preparing and maintaining the tribal membership roll.

(i) "Tribal Membership Roll" means the list of names of persons who the

tribe recognizes as members.

(k) "Tribal Member" means a person who has been enrolled by the tribe and whose name appears on the tribal membership roll.

(l) "Living" means born or prior to and

living on the date specified.

(m) "Lineal descendants" means those persons who are the issue of the ancestor through whom enrollment rights are claimed, namely the children, grandchildren, etc. It does not include collateral relatives such as brothers, sisters, nieces, nephews, cousins, etc.

(n) "Constitution and Bylaws" means the written organizational framework for the governing of the tribe.

(o) "Sponsor" means parent, recognized guardian, next friend, next of kin, spouse, executor or administrator of estate, the Superintendent, or other person who files an application for enrollment or appeal on behalf of another person. Where an adult or guardian having custody of a minor authorizes a sponsor to act on behalf of an individual, that sponsor assumes the burden of proof of eligibility and will be recognized as fully representative of the applicant in all matters arising under this part. Service on the sponsor of any document relating to the application or

appeal shall be considered to be service on the individual.

(p) "1968 enrollee" means an individual whose name appeared on the roll of persons eligible to share in the distribution of certain judgment funds prepared pursuant to the Act of Congress approved September 21, 1968 (82 Stat. 861), Pub. L. 90-508, who established eligibility on the basis that his/her name or the name of a lineal ancestor was on or was eligible to be on the constructed base census roll as of 1940 of the Absentee Delaware Tribe of Western Oklahoma, approved by the Secretary.

(q) "1972 enrollee" means an individual whose name appeared on the roll of persons eligible to share in the distribution of certain judgment funds prepared pursuant to the Act of Congress approved October 3, 1972 (86

Stat. 762), Pub. L. 92-456, who established eligibility on the basis that his/her name or the name of a lineal ancestor was on or was eligible to be on the constructed base census roll as of 1940 of the Absentee Delaware Tribe of Western Oklahoma, approved by the

Secretary.

§ 43b.2 Purpose.

The regulations in this part are to govern the compilation of a membership roll of persons who meet the requirements specified in section 4 of the 1980 Act to serve as the basis for distributing judgment funds awarded the Delaware Tribe of Indiana and the Absentee Delaware Tribe of Western Oklahoma in Indian Claims Commission dockets 27-A and 241, 289, and 27-B and 338, 27-E and 202, and 27.

§ 43b.3 Qualifications for enrollment and the deadline for filing.

(a) The membership roll shall contain the names of persons living on August 1, 1980, who are citizens of the United States; and whose names appear on the tribal membership roll of the Delaware Tribe of Western Oklahoma, i.e., they meet the following requirements:

(1) The criteria specified in Article III of the constitution and bylaws of the Delaware Tribe of Western Oklahoma

which states, in part:

Section 1. The membership of the Delaware Tribe of Western Oklahoma shall consist of the following persons; provided they have not received land or money by virtue of having been enrolled as a member of another Indian

(a) Those persons who prior to the ratification of this amendment [December 24, 1975] qualified for membership under previous membership requirements.

(b) All persons of Delaware Indian blood who received an allotment of land pursuant to the provisions of the Act of March 2, 1895, (28 Stat. 876), shall be included as full blood members of the tribe.

(c) All living lineal descendants of individuals eligible for membership under the provisions of Section 1(b) and Section 2 of the Article, who possess at least one-eighth (1/8) degree Delaware Indian blood and one of whose natural parents is a member of the Delaware Tribe of Western Oklahoma.

(d) All persons born on or after the effective date of the Constitution and Bylaws, [December 24, 1975] both of whose natural parents are members of the Delaware Tribe of Western Oklahoma regardless of Delaware

Indian blood.

Section 2. All persons identified in Section 1(b) of this Article shall be considered as possessing 4ths degree Delaware Indian blood for the purpose of computing eligibility of their descendants for membership under Section 1(c) or 1(d) of this Article. Brothers and sisters of Delaware Indian blood of all persons identified in Section 1(b) shall likewise be considered as possessing 4ths degree Delaware Indian blood.

(2) They are adopted into membership by the tribe pursuant to any ordinance or resolution adopted by the tribe in accordance with Article III, Section 5 of the constitution and bylaws, and approved by the Secretary or his/her

authorized representative. (b) They file an application with the Superintendent, Anadarko Agency, Anadarko, Oklahoma 73005. Applications must be received by the Superintendent no later than close of business on March 17, 1981 Applications received after that date will be denied for inclusion on the roll being prepared for failure to file on time regardless of whether the applicant otherwise meets the requirements for enrollment. However, persons denied for late-filed applications may be considered for enrollment as members of the tribe for future purposes. If the filing deadline falls on a Saturday, Sunday, legal holiday or other nonbusiness day, the deadline will be the next working day thereafter. Except that current tribal members shall not be required to file applications in accordance with this paragraph.

§ 43b.4 Notices and application forms.

(a) The Director shall mail to each 1968 enrollee and/or 1972 enrollee at the last address of record a notice advising them of the preparation of rolls of Delaware Indians pursuant to the 1980 Act, the requirements for enrollment, and the need to file or have filed on their behalf a completed application form before the deadline specified in § 43b.3 in order to be eligible to share in the distribution of judgment funds. The notice shall also state how and where application forms may be obtained.

(b) Application forms to be filed by applicants for enrollment will be

furnished by the Superintendent, or other designated persons, upon written or oral request. Each person furnishing application forms shall keep a record of the names of individuals to whom applications are given, as well as the control numbers of the forms and the date furnished. Instructions for completing and filing applications shall be furnished with each form. The form shall indicate prominently the deadline for filing applications.

(c) Among other information, each

application shall contain:

(1) Certification as to whether the application is for a natural child or an adopted child of the parent through whom eligibility is claimed.

(2) If the application is filed by a sponsor, the name and address of sponsor and relationship to applicant.

(3) A control number for the purpose of keeping a record of applications furnished interested individuals.

§ 43b.5 Filing of applications.

(a) Any person not already a tribal member who desires to be enrolled and who believes he/she meets the requirements for enrollment specified in the 1980 Act and the regulations in this part, including any person who has previously been denied enrollment by the Tribal Membership Committee, must file or have filed for them a completed application form with the Superintendent or other designated person on or before the deadline specified in § 43b.

(b) Written application forms for minors, mentally incompetent persons or other persons in need of assistance, for members of the Armed Services or other services of the U.S. Government and/or members of their families stationed in Alaska, Hawaii, or elsewhere outside the continental United States, or for a person who died after June 12, 1979, may be filed by the sponsor on or before the

deadline.

(c) Every applicant or sponsor shall furnish the applicant's mailing address on the application. Thereafter, he/she shall promptly notify the Superintendent of any change in address, giving appropriate identification of the application, otherwise the address as stated shall be acceptable as the proper

(d) Criminal penalties are provided by statute for knowingly filing false information in such applications [18 U.S.C. 1001).

§ 43b.6 Burden of proof.

The burden of proof of eligibility for enrollment rests upon the person filing the application. Documentary evidence such as birth certificates, death

certificates, baptismal records, copies of probate findings or affidavits must be used to support claims for enrollment. Records of the Bureau of Indian Affairs may also be used to establish eligibility.

§ 43b.7 Action by the Tribe.

(a) Applications received by the Superintendent shall be submitted to the Tribal Membership Committee for review. The Tribal Membership Committee shall, by resolution, make their decision. The decision shall state the reason(s) for approval or rejection of the applicant for tribal membership.

(b) The Tribal Enrollment Committee shall prepare a tribal membership roll brought current as of August 1, 1980, and submit it to the Superintendent for

review.

§ 43b.8 Action by the Superintendent.

(a) The Superintendent shall review the tribal membership roll and determine that only the names of persons who meet the requirements specified in § 43b.3 appear on the membership roll. If the Superintendent determines that the inclusion or omission of a name is clearly erroneous, he/she shall remove or add the name of the person. The Superintendent shall notify the Tribal Enrollment Committee of any such actions and the reasons therefor. The determination by the Superintendent shall only affect the individual's eligibility to share in the distribution of the judgment funds.

(b) Upon determining an individual's eligibility, the Superintendent shall notify the tribal member, parent or guardian having legal custody of a minor tribal member, applicant, or sponsor, as applicable, in writing of the decision. If the Superintendent decides the tribal member or applicant is not eligible, he/ she shall notify the individual or sponsor, as applicable, in writing by certified mail, to be received by the addressee only, return receipt requested, and shall explain fully the reasons for the adverse action and of the right to appeal to the Secretary. If correspondence is sent out of the United States, it may be necessary to use registered mail. If an individual has filed applications on behalf of more than one person, one notice of eligibility or adverse action may be addressed to the applicant or sponsor who filed the applications. However, said notice must list the name of each applicant involved. If a certified or registered notice is returned as "Unclaimed" the Superintendent shall remail the notice by regular mail together with an acknowledgement of receipt form to be completed by the addressee and returned to the Superintendent. If the

acknowledgement of receipt is not returned, computation of the appeal period shall begin on the date the notice was remailed. Certified or registered notices returned for any reason other than "Unclaimed" need not be remailed.

(c) A notice of eligibility or adverse action is considered to have been made

on the date:

(1) Of delivery indicated on the return receipt:

(2) Of acknowledgement of receipt;

(3) Of personal delivery; or

(4) Of the return by the post office of an undelivered certified or registered letter.

(d) In all cases where an applicant is represented by an attorney, such attorney will be recognized as fully controlling the same on behalf of his/her client; and service of any document relating to the application shall be considered to be service on the applicant he/she represents. Where an applicant is represented by more than one attorney, service upon one of the attorneys shall be sufficient.

(e) To avoid hardship or gross injustice, the Superintendent may waive technical deficiencies in applications or other submissions. Failure to file by the deadline does not constitute a technical

deficiency.

§ 43b.9 Appeals.

Appeals from tribal members or applicants who have been denied enrollment must be in writing and must be filed pursuant to Part 42 of this subchapter, a copy of which shall be furnished with each notice of adverse action.

§ 43b.10 Decision of the Secretary on appeals.

The decision of the Secretary on an appeal shall be final and conclusive, and written notice of the decision shall be given to the tribal member, applicant, or sponsor. When so directed by the Secretary, the Assistant Secretary shall cause to be entered on the roll the name of any person whose appeal has been sustained. The determination by the Secretary shall only affect the individual's eligibilty to share in the distribution of judgment funds.

§ 43b.11 Preparation of roll.

The staff officer shall prepare a minimum of 5 copies of the roll of those persons determined to be eligible for enrollment. The names of the persons whose appeals are sustained will be added to the roll when they establish eligibility. In addition to other information which may be shown, the complete roll shall contain for each person an identification number, name,

address, sex, date of birth, date of death (if applicable), degree of tribal blood, and the authority for enrollment.

§ 43b.12 Certification and approval of the roll.

A certificate shall be attached to the roll by the Superintendent certifying that to the best of his/her knowledge and belief the roll contains only the names of those persons who were determined to meet the requirements for enrollment. The Director shall approve the roll.

§ 43b.13 Special instructions.

To facilitate the work of the Superintendent, the Assistant Secretary may issue special instructions not inconsistent with the regulations in this part.

[FR Doc. 80-39093 Filed 12-16-80; 8:45 am] BILLING CODE 4310-02-M

25 CFR Part 43c

Rolls of Certain Delaware Indians: Preparations, Certification and Approval of Rolls.

December 12, 1980.

AGENCY: Bureau of Indian Affairs.

ACTION: Final rule.

SUMMARY: The Bureau of Indian Affairs is adding a new part to its regulations to establish procedures to govern the preparation, certification, and approval of descendancy rolls of certain Delaware Indians. The Act of August 1, 1980, [94 Stat. 968], Pub. L. 96-318, directs the Secretary of the Interior to prepare certain rolls of Delaware Indians to share in the distribution of funds awarded in judgments of the Indian Claims Commission. A descendancy roll of Kansas and Idaho Delawares precluded from participation in a previous award and a descendancy roll of Cherokee, Kansas, and Idaho Delawares are two of the rolls to be prepared to serve as a basis for the distribution of judgment funds.

EFFECTIVE DATE: The new regulations will become effective on January 16, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. Thomas J. Ellison, Area, Director, Bureau of Indian Affairs, Federal Building, Muskogee, Oklahoma 74401. telephone number 918-887-2296.

SUPPLEMENTARY INFORMATION: Proposed regulations for the preparation, certification, and approval of descendancy rolls of certain Delaware Indians were published for comment in the Federal Register on September 18. 1980 (45 FR 62154). The comment period on the proposed rules closed on October

20, 1980. Two letters commenting on the regulations were received: one from counsel representing the Kansas Delaware Tribe of Indians, Inc., and one from counsel representing the Delawares of Idaho, Inc. The comments were reviewed and carefully considered.

A. Comments adopted

As a result of comments received, the following changes were made including changes made for clarification and correction purposes:

(1) Both commentors urged that the filing period specified in § 43c.3(c) be 60 days. Accordingly, we are providing for a 60 day filing period. The deadline for filing applications will be 60 days from the effective date of the regulations or, in other words, 90 days from publication of final rules in the Federal Register.

(2) One commentor suggested that in § 43.c4(a) provision be made for the attorney for such enrollees to make changes to the enrollees' records. Enrollment records are covered by the Privacy Act of 1974. Consequently, we must adhere to certain standards when changing records of previous enrollees so as not to be in violation of the Privacy Act. Accordingly, we believe it would be consistent with the Privacy Act to allow a person, such as an attorney, specifically authorized by an enrollee to act on his/her behalf to make changes to enrollee's records. However, the Area Director will require a statement dated and signed by the enrollee or parent or guardian having legal custody of a minor specifically authorizing a person, be it individual or corporate, to act on his/her behalf before the Area Director will recognize such persons.

(3) A change is being made to § 43c.4(c) for clarification. As proposed the regulations stipulated in § 43c.3(c) that only those 1968 enrollees and/or 1972 enrollees who met the requirements for enrollment under the 1980 Act would be eligible. The requirements for enrollment under the Act of September 21, 1968 (82 Stat. 861), Pub. L. 90-508, were less specific with regard to the documents on which the name or the name of a lineal ancestor of an applicant had to appear in order to establish eligibility. Consequently, there may be certain previous enrollees who will need to submit additional documents or information in order to establish eligibility under the 1980 Act. There may also be those previous enrollees who may not be able to establish eligibility. The provisions of § 43c.4(a) only address the matter of previous enrollees furnishing current names and addresses. For clarification

we are adding a phrase to indicate that previous enrollees may have to furnish additional information or documentation. However, such previous

enrollees will still not have the burden of filing applications in order to be

considered for enrollment.

(4) In the authority citation appearing after the table of contents for Part 43c, 87 Stat. 466 was improperly cited and is being deleted and Section 10 of Pub. L. 96–318, 94 Stat. 968, 971, was erroneously excluded and is being added.

B. Comments Not Adopted

The following comments were not adopted for the reasons assigned:

(1) Both commentors recommended adding to the definition of "Sponsor" in §43c1, "attorney" and "corporation" or qualifying other persons as "individual or corporate." Our intention is that the persons or categories of persons included in the definition of sponsor be a representative listing of those individuals who qualify as sponsors. It is not intended that the definition be in any way restrictive. We believe the addition of "attorney" and "corporation" might imply that such persons are not included under the definition of sponsor and lead to the interpretation that the persons or categories of persons specified in the definition of "Sponsor" are inclusive. We fully recognize that attorneys may act as sponsors as well as the fact that a corporation is considered in a legal sense a person and, thus, is capable of acting as a sponsor under our definition.

(2) One commentor felt that § 43c.3(c) did not provide any manner by which it may be determined of record as to when applications will have been received in the office of the Area Director. It is our standard procedure to mark each application with the date it is actually received at the appropriate field office. If an applicant is particularly concerned about a record of receipt, he/she does have the option of mailing the application certified mail, return receipt requested. At one time as the commentor pointed out, we did use "Postmarked Date." However, we have found that incoming mail does not always have a postmark or where there is a postmark it may be illegible. Consequently, we have discontinued the use of the "Postmarked Date" and now use the date it is received at the field office. Thus, even if an application is postmarked before the filing period has expired, it will not be timely filed unless it is received by close of business on the deadline date.

(3) One commentor felt that § 43c.4(b) was not clear as to whom application

forms would be furnished and believes that it should be stipulated that application forms to be filed for or by persons should be furnished to a proposed applicant, or to his/her sponsor or attorney upon written or oral request. It is our policy to furnish applications to all interested persons who request applications. We do not generally require that an individual state when requesting an application whether he/she is a potential applicant, attorney, sponsor, etc. Consequently, we do not believe it is appropriate to state in the regulations who may request applications. On occasion the individuals furnishing applications may request additional information as to the intended recipients of the application forms especially when an unusually large number of applications are requested. However, this is not to prevent any interested individual from receiving an application or determine whether an individual should be sent an application, but to enable us to keep accurate records as to the distribution of the applications.

(4) One commentor suggested that § 43c.7(a) be amended to indicate in the second sentence that eligibility be determined under paragraph (a) and/or paragraph (b) of § 43c.3. Although the commentor is entirely correct in stating that an individual may be eligible under paragraph (a) and/or paragraph (b), the Director must, nevertheless, determine whether each applicant and 1968 and/or 1972 enrollee is eligible or ineligible under the requirements specified in both

paragraphs.

The authority to issue these rules and regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9); and section 10 of Pub. L. 96–318, 94 Stat. 968, 971. This final rule is published in exercise of rulemaking authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Note.—The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

The primary author of this document is Kathleen L. Slover, Branch of Tribal Enrollment Services, Division of Tribal Government Services, Bureau of Indian Affairs, telephone number 703–235–8275.

Subchapter F of Chapter I of Title 25 of the Code of Federal Regulations is hereby amended by the addition of a new part to read as set forth below.

Thomas W. Fredericks,

Deputy Assistant Secretary—Indian Affairs.
Part 43c is added to read as follows:

PART 43c—PREPARATION OF ROLLS OF DELAWARE INDIANS

43c.1 Definitions.

43c.2 Purpose.

Qualifications for enrollment and the 43c.3 deadline for filing.

Application and information forms. 43c.4

Filing of applications. 43c.5

43c.6 Burden of proof.

Action by the Director. 43c.7

43c.8 Appeals.

43c.9 Decision of the Secretary on appeals.

43c.10 Preparation of the rolls.

43c.11 Certification and approval of the

43c.12 Special instructions.

Authority: 5 U.S.C. sec. 301, R.S. secs. 463 and 465; 25 U.S.C. 2 and 9, and sec. 10 of Pub. L. 96-318, 94 Stat. 968, 971.

§ 43c.1 Definitions.

As used in these regulations:

(a) "1980" Act" means the Act of Congress approved August 1, 1980 (94 Stat. 968), Pub. L. 96-318, which authorizes and directs the Secretary to prepare rolls of persons who meet the requirements specified in the Act and to distribute certain judgment funds to such persons.

(b) "1972 Act" means the Act of Congress approved October 3, 1972 [86 Stat. 762), Pub. L. 92-456, which authorized the disposition of certain judgment funds awarded the Delaware Tribe of Indians and the Absentee Delaware Tribe of Western Oklahoma.

(c) "1972 enrollee" means an individual whose name appeared on the roll of persons eligible to share in the distribution of certain judgment funds pursuant to the 1972 Act except those persons who established eligibility on the basis that their name or the name of a lineal ancestor was on or was eligible to be on the constructed base census roll as of 1940 of the Absentee Delaware Tribe of Western Oklahoma, approved by the Secretary.

(d) "1968 Act" means the Act of Congress approved September 21, 1968 (82 Stat. 861), Pub. L. 90-508, which authorized the disposition of funds awarded the Delaware Nation of Indians in Indian Claims Commission

Docket 337.

(e) "1968 enrollee" means an individual whose name appeared on the roll of persons eligible to share in the distribution of certain judgment funds pursuant to the 1968 Act except those persons who established eligibility on the basis that their name or the name of a lineal ancestor was on or was eligible to be on the contructed base census roll as of 1940 of the Absentee Delaware Tribe of Western Oklahoma, approved by the Secretary.

- (f) "Secretary" means the Secretary of the Interior or his/her authorized representative.
- (g) "Assistant Secretary" means the Assistant Secretary of the Interior for Indian Affairs or his/her authorized representative.
- (h) "Director" means the Area Director, Muskogee Area Office, Bureau of Indian Affairs, or his/her authorized representative.
- (i) "Staff Officer" means the Enrollment Officer or other person authorized to prepare the roll.
- (j) "Living" means born on or prior to and living on the date specified.
- (k) "Lineal ancestor" means an ancestor, living or deceased, who is related to the applicant by direct ascent; namely, parent, grandparent, etc. It does not include collateral relatives such as brothers, sisters, aunts, uncles, etc.
- (1) "Sponsor" means parent, recognized guardian, next friend, next of kin, spouse, executor or administrator of estate, the Superintendent, or other person who files an application for enrollment or appeal on behalf of another person. Where an adult or guardian having legal custody of a minor authorizes a sponsor to act on behalf of an individual, that sponsor assumes the burden of proof of eligibility and will be recognized as fully representative of the applicant in all matters arising under this part. Service on the sponsor of any document relating to the application or appeal shall be considered to be service on the individual.
- (m) "Kansas Delaware Tribe of Indians, Incorporated" means the corporation which represents that group of persons who establish eligibility through a lineal ancestor named on the "Registry" filed in the Office of the Commissioner of Indian Affairs pursuant to Article 9 of the Treaty with the Delaware Indians of July 4, 1866 (14 Stat. 793). Nothing in these regulations shall be construed as recognizing the Kansas Delaware Tribe of Indians, Incorporated, as a federally recognized Indian tribe.
- (n) "Delawares of Idaho, Incorporated" means the corporation which represents that group of persons who establish eligibility through a lineal ancestor name on the "Register" prepared pursuant to the agreement dated April 8, 1867, between the Delaware Tribe of Indians and the Cherokee Nation. Nothing in these regulations shall be construed as recognizing the Delawares of Idaho, Incorporated, as a federally recognized Indian Tribe.

§ 43c.2 Purpose.

The regulations in this part are to govern the compilation of a roll of persons who meet the requirements specified in section 2 of the 1980 Act and the compilation of a roll of persons who meet the requirements specified in section 5 of the 1980 Act to serve as the basis for distributing judgment funds awarded the Delaware Tribe of Indians and the Absentee Delaware Tribe of Western Oklahoma in Indian Claims Commission dockets 27-A and 241, 289, and 27-B and 338, 27-E and 202, and 27.

§ 43c.3 Qualifications for enrollment and the deadline for filing.

(a) The roll prepared pursuant to section 2 of the 1980 Act shall contain the names of persons who meet the following requirements:

(1) They were living on August 1, 1980.

and on October 3, 1972;

(2) They are citizens of the United States;

- (3) The name of a lineal ancestor appears on the "Registry" filed in the Office of the Commissioner of Indian Affairs pursuant to Article 9 of the Treaty with the Delaware Indians of July 4, 1866 (14 Stat. 793) or the "Register" prepared pursuant to the agreement dated April 8, 1867, between the Delaware Tribe of Indians and the Cherokee Nation;
- (4) They were not 1972 enrollees or were not eligible to be 1972 enrollees;
- (5) Their name does not appear on the membership roll of the Delaware Tribe of Western Oklahoma prepared pursuant to section 4 of the 1980 Act.

(b) The roll prepared pursuant to section 5 of the 1980 Act shall contain the names of persons who meet the

following requirements:

(1) They were living on August 1, 1980; (2) They are citizens of the United

States:

(3) Their name or the name of a lineal ancestor appears on any of the following rolls or records:

(i) The "Registry," filed in the Office of the Commissioner of Indian Affairs pursuant to Article 9 of the Treaty with the Delaware Indians of July 4, 1866 (14 Stat. 793);

(ii) The Delaware (Cherokee Delaware) Indian per capita payroll approved by the Secretary of the Interior on April 20, 1906; or

(iii) The "Register" prepared pursuant to the agreement of April 8, 1867, between the Delaware Tribe of Indians and the Cherokee Nation.

(4) Their name does not appear on the membership roll of the Delaware Tribe of Western Oklahoma prepared pursuant to section 4 of the 1980 Act.

(c) Applications must be filed with the Area Director, Bureau of Indian Affairs. Federal Building, Muskogee, Oklahoma 74401, and must be received in his/her office no later than the close of business on March 17, 1981. Applications received after that date will be rejected for failure to file on time, regardless of whether the applicant otherwise meets the requirements for enrollment. If the filing deadline falls on a Saturday, Sunday, legal holiday or other nonbusiness day, the deadline will be the next working day thereafter. Except that, 1968 enrollees and/or 1972 enrollees shall not be required to file applications in accordance with this paragraph. Only those 1968 enrollees and/or 1972 enrollees, however, who meet the requirements set out in this section shall be eligible for enrollment under the 1980 Act.

§ 43c.4 Application and information forms.

- (a) The 1968 enrollees and/or 1972 enrollees shall be requested to complete an information form advising the Director of any changes in name and/or address and may be requested to furnish additional information or documentation. The Director shall mail an information form to each person whose name appeared on the rolls prepared pursuant to the 1968 Act and/ or the 1972 Act using the last address of record. Changes to the enrollees' records will be made only if the information form is signed by an adult 1968 and/or 1972 enrollee, if living, or the parent or guardian having legal custody of a minor 1968 and/or 1972 enrollee or person specifically authorized by the enrollee. or parent or legal guardian, to act on his/her behalf. The information form may also be used to notify the Director of the date of death of a deceased 1968 and/or 1972 enrollee.
- (b) Applications to be filed by applicants for enrollment will be furnished by the Director, or other designated persons upon written or oral request. Each person furnishing application forms shall keep a record of the names of individuals to whom applications are given, as well as the control numbers of the forms and the date furnished. Instructions for completing and filing applications shall be furnished with each form. The form shall indicate prominently the deadline for filing applications.
- (c) Among other information, each application shall contain:
- (1) Certification as to whether the application is for a natural child or an adopted child of the parent through whom eligibility is claimed.

(2) If the application is filed by a sponsor, the name and address of the sponsor and relationship to applicant.

(3) A control number for the purpose of keeping a record of applications furnished interested individuals.

§ 43c.5 Filing of applications.

(a) Any person, except a 1968 enrollee and/or 1972 enrollee, who desires to be enrolled and believes he/she meets the requirements for enrollment specified in the 1980 Act and the regulations in this part must file or have filed for him/her a completed application form with the Director or other designated person or before the deadline specified in § 43c.3.

(b) Written application forms for minors, mentally incompetent persons or other persons in need of assistance, for members of the Armed Services or other services of the U.S. Government and/or members or their families stationed in Alaska, Hawaii, or elsewhere outside the continental United States, or for a person who died after August 1, 1980, may be filed by the sponsor on or before the deadline.

(c) Every applicant or sponsor shall furnish the applicant's mailing address on the application. Thereafter, he/she shall promptly notify the Director of any change in address, giving appropriate identification of the application, otherwise the address as stated shall be acceptable as the proper address.

(d) Criminal penalties are provided by statute for knowingly filing false information in such applications. (18 U.S.C. 1001).

§ 43c.6 Burden of proof.

The burden of proof of eligibility for enrollment rests upon the person filing application. Documentary evidence such as birth certificates, baptismal records, death certificates, copies of probate findings or affidavits must be used to support claims for enrollment.

§ 43c.7 Action by the Director.

(a) The Director shall consider each application and the record for each 1968 enrollee and/or 1972 enrollee. Upon determining an applicant's or 1968 and/ or 1972 enrollee's eligibility under paragraph (a) of § 43c.3 and under paragraph (b) of § 43c.3, the Director shall notify the person or sponsor, as applicable, in writing of his/her decision. If the decision is favorable, the name of the person shall be placed on the roll. If the Director decides the person is not eligible, he/she shall notify the person or sponsor, as applicable, in writing by certified mail, to be received by the addressee only, return receipt requested, and shall explain fully the reasons for rejection and of the right to

appeal to the Secretary. (If correspondence is sent out of the United States, it may be necessary to use registered mail.) If an individual files applications on behalf of more than one person, one notice of eligibility or rejection may be addressed to the individual who filed the applications. However, said notice must list the name of each person involved. If a certified or registered notice is returned as "Unclaimed" the Director shall remail the notice by regular mail together with an acknowledgement of receipt form to be completed by the addressee and returned to the Director. If the acknowledgement of receipt is not returned, computation of the appeal period shall begin on the date the notice was remailed. Certified or registered notices returned for any reason other than "Unclaimed" need not be remailed.

(b) A notice of eligibility or rejection is considered to have been made on the date:

(1) Of delivery indicated on the return receipt;

(2) Of acknowledgement of receipt;

(3) Of personal delivery, or;

(4) Of the return by the post office of an undelivered certified or registered letter.

(c) In all cases where an applicant is represented by an attorney, such attorney will be recognized as fully controlling the same on behalf of his/her client; and service of any document relating to the application shall be considered to be service on the applicant he/she represents. Where an applicant is represented by more than one attorney, service upon one of the attorneys shall be sufficient.

(d) The Director shall consider those persons who claim or establish eligibility through a lineal ancestor named on the "Registry" filed in the Office of the Commissioner of Indian Affairs pursuant to article 9 of the treaty with the Delaware Indians of July 4, 1866 (14 Stat. 793), as being affiliated with the Kansas Delaware Tribe of Indians, Incorporated, and those persons who claim or establish eligibility through a lineal ancestor named on the "Register" prepared pursuant to the agreement dated April 8, 1867, between the Delaware Tribe of Indians and the Cherokee Nation, as being affiliated with the Delawares of Idaho, Incorporated. Except that, persons who were 1972 enrollees or were eligible to be enrolled under the 1972 Act even though they are also lineal descendants of a person named on one of the above records shall be considered affiliated with the Cherokee Delawares for the purposes of the 1980 Act. The Director shall consider those persons who claim

or establish eligibility because their name or the name of a lineal ancestor appears on the Delaware (Cherokee Delaware) Indian per capita pavroll approved by the Secretary of the Interior on April 20, 1906, as being affiliated with the Cherokee Delawares.

(e) To avoid hardship or gross injustice, the Director may waive technical deficiencies in applications or other submissions. Failure to file by the deadline does not constitute a technical deficiency.

§ 43c.8 Appeals.

Appeals from rejected persons must be in writing and must be filed pursuant to part 42 of this subchapter, a copy of which shall be furnished with each notice of rejection.

§ 43c.9 Decision of the Secretary on

The decision of the Secretary on an appeal shall be final and conclusive. and written notice of the decision shall be given to the person or sponsor. When so directed by the Secretary, the Assistant Secretary shall cause to be entered on the roll the name of any person whose appeal has been sustained.

§ 43c.10 Preparation of the rolls.

The staff officer shall prepare a minimum of 5 copies of the roll of persons determined to be eligible for enrollment under paragraph (a) of § 43c.3 and a roll of persons determined eligible for enrollment under paragraph (b) of § 43c.3, after the Director has made a determination as to the eligibility of each applicant and 1968 enrollee and/or 1972 enrollee. The names of persons whose appeals are sustained will be added to the roll when they establish eligibility. In addition to other information which may be shown, the complete roll shall contain for each person an identification number, name, address, sex, date of birth and in the remarks column, when applicable, the section of the 1980 Act under which they qualify and whether they are affiliated with the Kansas Delaware Tribe of Indians, Incorporated, or the Delawares of Idaho, Incorporated.

§ 43c.11 Certification and approval of the

A certificate shall be attached to the rolls by the staff officer certifying that to the best of his/her knowledge and belief the rolls contain only the names of those persons who were determined to meet the requirements for enrollment. The Director shall approve the rolls.

§ 43c.12 Special instructions.

To facilitate the work of the Director, the Assistant Secretary may issue special instructions not inconsistent with the regulations in this part.

[FR Doc. 80-39092 Filed 12-16-80; 8:45 am] BILLING CODE 4310-02-M

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 581

Personnel Review Boards: Procedures and Standards of the Army Discharge **Review Board**

AGENCY: Army Discharge Review Board. ACTION: Final rule.

SUMMARY: The Army Discharge Review Board amends the provisions relating to personnel review boards. The amendment will extend to April 1, 1981, the deadline when certain applicants may apply for discharge review without regard to the normal 15-year application period. The amendment is necessary to conform to DOD policy. In addition, a technical amendment is also made to the provisions relating to discharge review special standards.

EFFECTIVE DATE: December 17, 1980.

FOR FURTHER INFORMATION CONTACT: Col. Vincent W. Strand, Army Discharge Review Board, Room 1E478, Pentagon, Washington, D.C. 20310, (202) 697-3166.

SUPPLEMENTARY INFORMATION: On December 27, 1979, the Department of Defense published in the Federal Register an amendment to 32 CFR 70.1, paragraph (a)(4), and 70.5, paragraphs (a)(2) and (b)(8)(vi) (44 FR 76486). This amendment extends to April 1, 1981, the deadline when certain applicants may apply for discharge review without regard to the normal 15-year application period. The Department of the Army must now modify its provisions to implement the Department of Defense amendment.

On March 20, 1980, the Department of the Army published in the Federal Register an amendment to Appendix C of 32 CFR 581.2 by adding a new paragraph 4 (45 FR 17991). Paragraph 4c stated that the Department of the Army is presently seeking to appeal the District Court order that requires promulgation of paragraphs 4a and 4b, and that applications submitted pursuant thereto may be revised or revoked as a result of the appeal. Appellate review has now been completed as to the content of paragraphs 4a and 4b, and no change has resulted in the District Court order.

Therefore, paragraph 4c must now be rescinded.

John F. Fitzsimons.

Colonel, Military Police Corps, President, Army Discharge Review Board.

Accordingly, the rules of procedure of the Army Discharge Review Board are amended as follows:

(a) In § 581.2, Appendix B, paragraph 2.f., change the date from "January 1,

1980" to "April 1, 1981". (b) In § 581.2, Appendix B, paragraph 2.h.(6), change the date from "January 1, 1980" to "April 1, 1981"

(c) In § 581.2, Appendix C, delete paragraph 4c.

[FR Doc. 80-39185 Filed 12-16-80; 8:45 am] BILLING CODE 3710-08-M

POSTAL SERVICE

39 CFR Part 10

International Express Mail Rates; Rates to Argentina

AGENCY: Postal Service.

ACTION: Final International Express Mail Rates to Argentina.

SUMMARY: Pursuant to its authority under 39 U.S.C. 407, the Postal Service is beginning International Express Mail Service with Argentina at the rates indicated in the tables below.

EFFECTIVE DATE: January 1, 1981.

FOR FURTHER INFORMATION CONTACT: George W. Screws (202) 245-5624.

SUPPLEMENTARY INFORMATION: On November 4, 1980, the Postal Service Published for comment in the Federal Register a notice proposing rates of postage for International Express Mail Service with Argentina, 45 FR 73103. The notice invited written data, views, or arguments concerning these rates. However, no comments were received. Accordingly, the Postal Service adopts without change the rates of postage for International Express Mail set out in the following tables, which will be published in the Postal Service's International Mail Manual. (39 U.S.C. 401, 403, 404(2), 407, 410(a),

Universal Postal Convention, Lausanne, 1974, T.I.A.S. No. 8231, Art. 6.)

W. Allen Sanders,

Associate General Counsel, General Law and Administration.

Argentina.—International Express Mail

Custom Designed Service

	Zone to	Intern	national	Exchan	ge Offic	ce	
Pounds (up to and including)	3	4	5	6	7	8	9

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Custom Designed Service—Continued

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and including)							
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3	34.72	34.83	34.96	35.14	35.32	35.52	35.72
4	37.56	37.70	37.87	38.09	38.31	38.56	38.81
5	40.40	40.57	40.78	41.04	41.30	41.60	41.90
6		43.44	43.69	43.99	44.29	44.64	44.99
7	46.08	46.31	46.60	46.94	47.28	47.68	48.08
8	48.92	49.18	49.51	49.89	50.27	50.72	51.17
9	51.76	52.05	52.42	52.84	53.26	53.76	54.26
10	54.60	54.92	55.33	55.79	56.25	56.80	57.35
11	57.44	57.79	58.24	58.74	59.24	59.84	60.44
12	60.28	60.66	61.15	61.69	62.23	62.88	63.53
13	63.12	63.53	64.06	64.64	65.22	65.92	66.62
14	65.96	66.40	66.97	67.59	68.21	68.96	69.71
15	68.80	69.27	69.88	70.54	71.20	72.00	72.80
16	71.64	72.14	72.79	73.49	74.19	75.04	75.89
17	74.48	75.01	75.70	76.44	77.18	78.08	78.98
18	77.32	77.88	78.61	79.39	80.17	81.12	82.07
19	80.16	80.75	81.52	82.34	83.16	84.16	85.16
20	83.00	83.62	84.43	85.29	86.15	87.20	88.25
21	85.84	86.49	87.34	88.24	89.14	90.24	91.34
22	88.68	89.36	90.25	91.19	92.13	93.28	94.43
23	91.52	92.23	93.16	94.14	95.12	96.32	97.52
24	94.36	95.10	96.07	97.09	98.11	99.36	100.6
25	97.20	97.97	98.98	100.04	101.10	102.40	103.7
26	100.04	100.84	101.89	102.99	104.09	105.44	106.7
27	102.88	103.71	104.80	105.94	107.08	108.48	109.8
28	105.72	106.58	107.71	108.89	110.07	111.52	112.9
29							
30							
31							
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33							

NOTES.—

(1) Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a Designated Post Office.

(2) Pick-up is available under a Service Agreement for an added charge of \$5.25 for each pick-up stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pick-up charge.

(3) If tendered at origin airport mail facility, deduct \$3.00 from these rates.

On Demand Service

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3		24.53	24.71	24.84	25.02	25.22	25.42
4		27.40	27.62	27.79	28.01	28.26	28.51
5,		30.27	30.53	30.74	31.00	31.30	31.60
8		33.14	33.44	33.69	33.99	34.34	34.69
7		36.01	36.35	36.64	36.98	37.38	37.78
B		38.88	39.26	39.59	39.97	40.42	40.87
9		41.75	42.17	42.54	42.96	43.46	43.96
10	44.30	44.62	45.08	45.49	45.95	46.50	47.05
11	47.14	47.49	47.99	48.44	48.94	49.54	50.14
12	49.98	50.36	50.90	51.39	51.93	52.58	53.23
13	. 52.82	53.23	53.81	54.34	54.92	55.62	56.32
14	. 55.66	56.10	56.72	57.29	57.91	58.66	59.41
15	58.50	58.97	59.63	60.24	60.90	61.70	62.50
16	61.34	61.84	62.54	63.19	63.89	64.74	65.59
17	64.18	64.71	65,45	66.14	66.88	67.78	68.68
18		67.58	68.36	69.09	69.87	70.82	71.77
19		70.45	71.27	72.04	72.86	73.86	74.86
20		73.32	74.18	74.99	75.85	76.90	77.95
21		76.19	77.09	77.94	78.84	79.94	81.04
22		79.06	80.00	80.89	81.83	82.98	84.13
23		81.93	82.91	83.84	84.82	86.02	87.22
24		84.80	85.82	86.79	87.81	89.06	90.31
25		87.67	88.73	89.74	90.80	92.10	93.40
26		90.54	91.64	92.69	93.79	95.14	96.49
27		93.41	94.55	95.64	96.78	98.18	99.58
		100000000000000000000000000000000000000			The second second		The second second
28		96.28	97.46	98.59	99.77	101.22	
29		99.15			102.76		
30							
31							
32	.106.78	107.76	109.10	110.39	111.73	113.38	115.0

Express Mail picked up together under the same Service Agreement incurs only one pick-up charge.

IFR Doc. 80-39191 Filed 12-16-80; 8:45 am BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 1705-2]

State and Federal Administrative Orders Revising the Michigan State Implementation Plan

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final Rule: Approval of Revision.

SUMMARY: On April 23, 1980 (45 FR 27454) the U.S. Environmental Protection Agency (USEPA) proposed approval of and invited public comment on an Administrative Order submitted as a revision to the Michigan State Implementation Plan (SIP). The Order was issued to the Lansing Board of Water and Light. The revision is part of the State's control strategy required under Part D of the Clean Air Act (Act) to attain the sulfur dioxide (SO2) National Ambient Air Quality Standards (NAAQS) in a portion of Ingham County, Michigan. The purpose of this notice is to discuss the comments received and announce USEPA's final rulemaking action to approve the revision to the Michigan SIP.

EFFECTIVE DATE: This final rulemaking becomes effective on December 17, 1980.

ADDRESSES: Copies of these SIP revisions, public comments on the Notice of Proposed Rulemaking (45 FR 27454), and USEPA's evaluation and response to comments are available for inspection at the following addresses:

United States Environmental Protection Agency, Air Programs Branch Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

United States Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Judy Kertcher, Regulatory Analysis Section, Air Programs Branch, U.S. **Environmental Protection Agency** Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6038.

SUPPLEMENTARY INFORMATION: On April 25, 1979 the State of Michigan submitted its proposed revised SIP to USEPA, including the State's control strategy for the Ingham County sulfur dioxide nonattainment area. The State's control

strategy was to rely on existing SO2 emission limitations in its present regulations while requiring the source in the nonattainment area to apply "continuous emission control" systems to meet those emission limitations. The requirement of "continuous emission control" systems was to be implemented through a Consent Order entered into by the source and the Michigan Air Pollution Control Commission (MAPCC) and submitted to USEPA as a SIP

On August 22, 1979 Michigan submitted the Consent Order, Order No. 04-1979, to USEPA for review as a site specific SIP revision under Part D and under Section 110(a)(3) of the Act. In letters dated February 13, 1980 and April 1, 1980 the State withdrew certain paragraphs of the Order from consideration by the USEPA although the paragraphs remain enforceable for State purposes.

The technical demonstration submitted to USEPA with the Order revealed that a potential for violation of the ambient sulfur dioxide standards continued to exist at the Lansing Board of Water and Light's (Board's) Eckert and Moores Park stations even though the plant was burning compliance fuel. The potential for violation exists because of aerodynamic plume downwash at the facility.

The SIP revision requires the Board to install good engineering practice (GEP) designed stacks, as determined by fluid modeling, to eliminate the downwash condition. The construction of the GEP stacks is to be completed by December 31, 1982. Although technical support demonstrated that GEP stack height for the Eckert-Moores complex is 625 feet, the maximum height allowed by Federal Aviation Administration (FAA) regulation is 619 feet because of the proximity of the complex to the Capital City Airport.

USEPA analyzed the technical demonstration submitted by Michigan and concluded that the SO2 NAAQS will be attained upon completion of the GEP designed stacks in December 1982. Therefore, USEPA proposed approval of and invited comment on the Order as a Part D revision to the Michigan SIP on April 23, 1980 (45 FR 27454). Also in that notice, USEPA proposed approval of the schedule for the building of GEP stacks at the Eckert and Moores Park Stations.

One public interest group submitted comments to USEPA on May 21, 1980. These comments and USEPA's response are discussed below:

Public Comment: It is unclear how the Consent Order provides for reasonable further progress. Is reliance on GEP stacks a lawful control strategy in a

nonattainment area when such stacks do not reduce actual emissions?

USEPA Response: The Board is currently meeting the applicable emission limitations and is in compliance with the existing Michigan SIP. The Consent Order is only to require the Board to install GEP stacks at Eckert and Moores Park in order to eliminate the potential of a SO₂ NAAQS violation due to aerodynamic plume downwash. Since the installation of the GEP stacks will eliminate the potential for SO₂ NAAQS violations, the Consent Order provides for reasonable further progress.

Public Comment: How does the Consent Order provide for all reasonably available control technology (RACT)? Section 172(b) of the Act provides for mandatory implementation of all RACT in nonattainment areas, and defines RACT in terms of emission

USEPA Response: RACT is defined as a technology standard rather than in terms of emission reduction. The Eckert and Moores Park Stations of the Lansing Board of Water and Light are using RACT which in this case is 1% by weight sulfur coal.

USEPA FINAL DETERMINATION: USEPA has reviewed the Order, the technical demonstration and the public comments received, and has determined that the SO2 NAAQS will be attained upon completion of the GEP designed stacks in 1982. Therefore, USEPA approves the Order as a Part D revision to the Michigan SIP. USEPA has determined that good cause exists for making these revisions immediately effective. By making this final rulemaking immediately effective, the restrictions on industrial growth contained in Section 110(a)(2)(I) of the Clean Air Act will be lifted from the Ingham County SO2 nonattainment area. These restrictions have been imposed for failure to have a SIP which meets the requirements of Part D after the final date for SIP approval specified in the Act. USEPA has determined that this revision to the Michigan SIP meets the requirements of Part D. Therefore, it would be contrary to the public interest to continue the restrictions on industrial growth in the Ingham County nonattainment area for thirty days after the publication of this notice.

Note.—Under Executive Order 12044 (43 FR 12661), USEPA is required to judge whether a regulation is "significant" and, therefore, subject to certain procedural requirements of the Order or whether it may follow other specialized development procedures. USEPA labels proposed regulations, "specialized." I have reviewed this and determined that it is a specialized regulation not subject to the

procedural requirements of Executive Order 12044.

Under Section 307(b) of the Clean Air Act, judicial review of this final action is available only by filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of December 17, 1980. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

This notice of final rulemaking is issued under authority of Section 110 of the Clean Air Act, as amended [42 U.S.C. 7410].

Dated: December 9, 1980.

Douglas Costle,

Administrator.

Title 40 of the Code of Federal Regulations, Chapter 1, Part 52 is amended as follows:

1. Section 52.1170(c) is amended by adding paragraph (28) as follows:

§ 52.1170 Identification of plan.

* * * * * * * * (c) * * * *

(28) On August 22, 1979, the State of Michigan submitted to USEPA an Administrative Order, for the Lansing Board of Water and Light (Order No. 4–1979, adopted May 23, 1979). In letters dated February 13, 1980 and April 1, 1980, the State of Michigan withdrew certain paragraphs (Sections A, B, C1, D, E, F, and G) of the Order from consideration by USEPA.

[FR Doc. 80-39179 Filed 12-16-80; 8:45 am] BILLING CODE 6560-38-M

40 CFR Part 52

[A-5-FRL 1705-1]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Final rule; Correction.

SUMMARY: This notice corrects a citation appearing in the final regulation for the New Source Review (NSR) program submitted as a revision to the Ohio State Implementation Plan (SIP), and appearing in the October 31, 1980 Federal Register (45 FR 72119).

FOR FURTHER INFORMATION CONTACT: Richard Clarizio, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago,

Illinois 60604, (312) 886–6035.

Correction: On page 72122 of the
October 31, 1980 Federal Register, in the
second column, under the heading:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLAN SUBPART KK—OHIO

The section cited for the "Review of new sources and modifications" was incorrect. In particular it was published that:

(2) Section 52.1987 is amended by revoking paragraphs (a) and (b) pursuant to Section 110(a)(5)(A) of the Clean Air Act (42 U.S.C. 7410), by reserving these paragraphs and by adding paragraph (e) to read as follows:

§ 52.1987 Review of new source and modifications.

This should be corrected by changing the section reference from 52.1987 to 52.1879.

Dated: December 8, 1980. John McGuire,

Regional Administrator. [FR Doc. 80-39174 Filed 12-16-80; 8:45 am] BILLING CODE 6560-38-M

40 CFR Part 180

* *

[OPP-260035A; PH FRL 1704-3]

Pesticide Programs; Tolerances and Exemptions from Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Editorial Amendments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule amends 40 CFR 180.1(j)(6) by including parsnips and rutabagas wherein, like carrots, the tops shall be removed and discarded before analyzing roots for pesticide residues and amends the crop grouping "leafy vegetables" under 40 CFR 180.34(f) to include upland cress. These regulations were requested by the Interregional Research Project No. 4 (IR-4).

EFFECTIVE DATE: Effective on December 17, 1980.

ADDRESSES: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Clinton Fletcher, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, Rm. E-124, 401 M St., SW., Washington, D.C.

20460, [202-426-0223].

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of August 28, 1980 (45

FR 57461) that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted amendments to the EPA requesting that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, amend 40 CFR 180.1(j)(6) to include parsnips and rutabagas wherein, like carrots, the tops shall be removed and discarded before analyzing roots for pesticide residues and amend the crop grouping "leafy vegetables" under 40 CFR 180.34(f) to include upland cress.

No comments or request for referral to an advisory committee were received in response to this proposed amendment.

It is concluded, therefore, that 40 CFR Part 180 be amended as set forth below.

Any person adversely affected by this regulation may, on or before January 16, 1981, file written objections with the Hearing Clerk, EPA, Rm. M-3708, 401 M St., SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections should state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Note.—Under Executive Order 12044, EPA is required to judge whether a regulation is significant and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." This regulation has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Effective date: December 17, 1980.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e))) Dated: December 9, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart A of 40 CFR Part 180 is amended as follows:

1. By revising § 180.1(j)(6) to read:

§ 180.1 Definitions and Interpretations.

(j) * * *

(6) Where a tolerance is established on a root vegetable including tops and/or with tops, and the tops and the roots are marketed together, they shall be analyzed separately and neither the pesticide residue on the roots nor the pesticide residue on the tops shall exceed the tolerance level, except that in the case of carrots, parsnips, and

rutabagas, the tops shall be removed and discarded before analyzing roots for pesticide residues.

2. By alphabetically inserting in the table under § 180.34(f) a new item in the crop grouping "leafy vegetables," to read:

§ 180.34 Tests on the amount of residue remaining.

(f) * * *

Group and Commodities Therein

Leafy vegetables—Anise (fresh leaf and stock only), beet (tops), broccoli, broccoli raab, brussels sprouts, cabbage, cauliflower, celery, Chinese cabbage, collards, dandelion, endive, escarole, fennel, kale, kohlrabi, lettuce, mustard greens, parsley, rhubarb, salsify tops, spinach, sugar beet tops, Swiss chard, turnip greens (tops), upland cress, watercress.

[FR Doc. 80-39192 Filed 12-16-80; 8:45 am] BILLING CODE 6560-32-M

* * *

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 5-19 and 5A-19

Public Contracts and Property Management; Transportation

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: The General Services
Administration Procurement
Regulations, Chapter 5, are amended to
transfer policies and procedures
regarding transportation from Chapter
5A. This transfer is part of the action to
incorporate appropriate material in
Chapter 5A into Chapter 5. The intended
effect is to have a single GSA-wide
procurement regulation.

EFFECTIVE DATE: December 31, 1980.

FOR FURTHER INFORMATION CONTACT:

Philip G. Read, Director, Federal Procurement Regulations Directorate, Office of Acquisition Policy, 703–557– 8947.

SUPPLEMENTARY INFORMATION:

Outstanding Procurement Letters remain in effect until canceled.

CHAPTER 5—GENERAL SERVICES ADMINISTRATION

[APD 2800.2 CHGE 11]

 The Table of Parts is amended by adding the following entry:

Table of Parts

Par

5-19 Transportation.

2. The Contents of Part for Part 5–19 is added as follows:

Subpart 5-19.1 General

Sec.

5-19.102 Coordination between contracting and transportation officers.

5-19.108-50 Restrictive charter clausecontractor charter party agreements.

5-19.108-51 Restrictive charter clause-GSA charter party agreements.

5–19.150 Delivery zones—requirements type contracts.

5-19.151 Receipt of improperly loaded shipments.

5-19.152 Placarding railcar shipments.

Subpart 5-19.2 Transportation Factors in the Procurement of Personal Property

5-19.202-6 Bid requirements.

5-19.202-7 Use of appropriate delivery terms.

5-19.202-8 Options in shipment and delivery.

5-19.202-50 Restrictions on transportation to military installations.

Subpart 5-19.3 Contract Delivery Terms

5-19.301 Use of standard delivery terms.

5-19.302 F.o.b. origin.

5-19.302-1 F.o.b. origin, freight prepaid.

5-19.350 Deliveries to GSA supply distribution facilities.

5-19.351 Delivery terms—Federal Supply Schedule contracts.

5–19.352 Contracting for agencies located in Alaska.

3. Part 5–19 Transportation is added as follows:

PART 5-19 TRANSPORTATION

Subpart 5-19.1 General

§ 5-19-102 Coordination between contracting and transportation officers.

The contracting officer shall obtain traffic management advice and assistance, including appropriate transportation factors, required for (a) solicitations and awards, and (b) the administration and modification of contracts, from the Office of Transportation and Travel Management (TT).

§ 5-19.108-50 Restrictive charter clausecontractor charter party agreements.

Contracts for the procurement of commodities which are likely to be transported on ocean vessels under charter parties arranged by the contractor shall contain the following clause:

Restrictive Charter Clause

(a) The Contractor agrees to include the following Restrictive Charter clause in any charter party agreement entered into by it for the transportation of foreign-flag vessels of the material purchased hereunder:

"The vessel will not enter any port in North Korea or Vietnam until after 60 days from the date of completion of discharge of the entire cargo under this charter. In the event of failure to comply with said agreement, 10 percent of the freight charges for ocean transportation hereunder will not be earned. Ten percent of the freight charges payable hereunder will be withheld by the charterer until the owner or his authorized agent submits evidence satisfactory to the charterer that there has been complete compliance with this agreement, and in the absence of such evidence, the withheld portion of the charges will not be paid."

The Contractor further agrees to notify the vessel owner or his authorized agent that in the event of violation of the provisions of said clause, all vessels of the owner may be barred from further chartering for the transportation of cargoes owned by or destined for the Government of the United

States of America.

(b) Promptly after expiration of the 60-day period provided in the Restrictive Charter clause stated in paragraph (a), above, the Contractor, on the basis of the evidence furnished to him by the vessel owner or his authorized agent, shall determine whether the vessel has complied with the above Restrictive Charter clause. If the Contractor determines that the Restrictive Charter clause has been complied with, the Contractor shall pay to the owner of the vessel or his authorized agent the aforesaid withheld 10 percent. If the Contractor determines that said Restrictive Charter clause has not been complied with, the Contractor shall notify the owner of the vessel or his authorized agent of such determination of violation of the clause and shall afford said owner or his authorized agent 30 days within which to furnish to the Contractor any additional evidence which will show to the satisfaction of the Contractor that the Restrictive Charter clause has not been violated. During said 30-day period the Contractor shall continue to withhold the aforesaid 10 percent of the freight charges. If upon the expiration of said 30-day period, the owner of the vessel or his authorized agent has not established proof satisfactory to the Contractor of compliance with the said Restrictive Charter clause, the Contractor shall advise the owner of the vessel or his authorized agent of such final determination and shall thereafter promptly pay to the Government the full amount of the freight charges withheld by the Contractor pursuant to the aforesaid Restrictive Charter

(c) Promptly after expiration of the 60-day period provided in the above-stated Restrictive Charter clause, the Contractor shall furnish the Contracting Officer with a complete statement of the evidence submitted to him by the owner of the vessel or his authorized agent pursuant to the provisions of the Restrictive Charter clause on which the Contractor has based his determination that there has been compliance with said Restrictive Charter clause. In the event of a determination by the Contractor of noncompliance with said clause, the Contractor shall thereafter furnish the Government, promptly after receipt by him, such additional information as may be

received by him from the vessel owner or his authorized agent within the 30-day period provided for in paragraph (b) above.

(d) Notwithstanding any other provision of this article, the Contractor and the Contracting Officer agree and stipulate that the question of compliance or noncompliance by the vessel owner with the Restrictive Charter clause is one of fact. Consequently, if after payment by the Contractor to the vessel owner or his authorized agent of the aforesaid withheld 10 percent the Government should discover that the vessel in question did, in fact, enter any port in violation of the Restrictive Charter clause, the Contractor shall be indebted to and shall pay the Government the full amount of said withheld 10 percent of the freight charges. Conversely, if at any time after the Contractor has finally determined that there has been noncompliance with the Restrictive Charter clause and has paid the withheld 10 percent of the freight charges to the Government pursuant to paragraph (b) of this article, it should be conclusively established that the vessel in question did not, in fact, enter any port in violation of the Restrictive Charter clause, the Government shall reimburse the Contractor in the full amount of the 10 percent of freight charges withheld by the Contractor from the vessel owner.

§ 5-19.108-51 Restrictive Charter clause-GSA charter party agreements.

All charter party agreements entered into by GSA shall contain the following clause:

Restrictive Charter Clause

The vessel will not enter any port in North Korea or Vietnam until after 60 days from the date of completion of discharge of the entire cargo under this charter. In the event of failure to comply with said agreement, 10 percent of the freight charges for ocean transportation hereunder will not be earned. Ten percent of the freight charges payable hereunder will be withheld by the Government until the owner or his authorized agent submits evidence satisfactory to the Government that there has been complete compliance with this agreement, and in the absence of such evidence, the withheld portion of the charges will not be paid. In the event of violation of the provisions of this clause, the Government may, in addition to permanently withholding payment of the aforesaid 10 percent of the freight charges for ocean transportation hereunder, bar or cause to be barred all vessels of the owner from further chartering for the transportation of cargoes owned by or destined for the Government of the United States of America.

§ 5-19.150 Delivery zones-requirements type contracts.

(a) Stock and non-stock contracts. Application of the Automated Delivery Order System (ADO) to orders issued by GSA has necessitated the standardization of zones to be specified in requirements contracts for stock and non-stock. When zone prices are requested, these zones shall consist of the following:

Zone and geographic area

1-Maine, Vermont, New Hampshire, Rhode Island, Connecticut, Massachusetts

-New York, New Jersey

-Pennsylvania, West Virginia, Virginia, Maryland, Delaware, Washington, DC 4-Kentucky, Tennessee, North Carolina, South Carolina, Mississippi, Alabama,

Georgia, Florida

5-Minnesota, Wisconsin, Michigan, Illinois, Indiana, Ohio

6-Nebraska, Iowa, Kansas, Missouri 7-New Mexico, Texas, Oklahoma. Arkansas, Louisiana

8-Montana, North Dakota, South Dakota, Wyoming, Utah, Colorado

9-California, Nevada, Arizona

10-Washington, Oregon, Idaho 11-Hawaii

12-Alaska

13-Puerto Rico, Virgin Islands

If fewer than 13 zones are required, then zones in their entirety may be combined together. However, the geographic area of any zone shall not be subdivided. Contract coverage for zones covering Hawaii, Alaska, Puerto Rico, and the Virgin Islands is optional. Prior approval of the Assistant Commissioner for Contracts shall be obtained if zones covering geographical areas other than those prescribed are required.

(b) Federal Supply Schedule contracts. Before the issuance of a solicitation, the contracting officer shall review the number of proposed delivery zones and change the number of zones, if appropriate, or revalidate the number of zones if no change appears warranted. The contracting officer shall prepare an appropriate justification for the number of zones used.

§ 5-19.151 Receipt of improperly loaded shipments.

The contracting officer has only limited authority to take action against the contractor once damaged material is accepted and unloaded by the Government. However, if material is accepted and unloaded and the receiving activity later notifies the contracting officer of improper loading. the contracting officer shall attempt to collect from the contractor any additional costs incurred. In addition, he shall take whatever action is deemed necessary to prevent a recurrence.

§ 5-19.152 Placarding railcar shipments.

It is essential that the railcar is "spotted" for unloading with the proper car door positioned next to the unloading dock, platform, or warehouse door. Therefore, placards shall be placed on each door; one reading 'Unload From Other Side" and the other "Unload From This Side." When applicable, the solicitation shall include the contract provisions in § 5-7.103-98.

Subpart 5-19.2—Transportation Factors in the Procurement of Personal Property

§ 5-19.202-6 Bid requirements.

(a) Shipping points. When f.o.b. origin prices are solicited, offerors shall be required to specify their shipping point(s) by providing street address, city, county, and State applicable to each item on which an offer is submitted. Spaces shall be provided in the solicitation for inserting this information.

(b) Guaranteed maximum shipping weights. When guaranteed maximum shipping weights and/or dimensions are required for evaluation of freight costs, see § 5-7.103-89, Bid evaluation factors—weights and dimensions.

§ 5-19.202-7 Use of appropriate delivery terms.

If the contracting officer uses only one delivery term in the solicitation despite guidance in § 1–19.202–7 that alternative delivery terms should be included, the reasons for so doing shall be stated in the contract file.

§ 5-19.202-8 Options in shipment and delivery.

The clause in § 5–7.102–2 is an amplification of Article 2 (Changes) of the General Provisions, and is prescribed for use in all Federal Supply Service contracts.

§ 5-19.202-50 Restrictions on transportation to military installations.

(a) DOD publications entitled "Terminal Facilities Guide" list the shipping and receiving capabilities and delivery restrictions at all military installations and are updated as changes occur. Copies of the guides are distributed to the GSA regional Transportation and Travel Management Division.

(b) For solicitations specifying direct delivery to military installations, contracts shall include a provision specifying any applicable delivery restrictions. The contracting officer shall verify receiving capabilities or restrictions with the appropriate Transportation and Travel Management Division before issuing the solicitation.

Subpart 5—19.3—Contract Delivery Terms

§ 5-19.301 Use of standard delivery terms.

(a) "Standard" delivery terms are those listed and defined in § 1–19.302 through § 1–19.315. These terms should be used except in particular types of contracts for which specially adapted delivery provisions are required (see paragraph (c) of this section). In this

connection, it has been determined that the standard delivery term "f.o.b. destination" does not satisfy the Government's needs with respect to contracts for stock items and Federal Supply Schedule contracts. Accordingly, special clauses providing for destination delivery are prescribed in §§ 5–19.350 and 5–19.351 for use in such contracts.

(b) The use of a standard delivery term in a solicitation activates the "Meaning of Delivery Terms" clause, which in turn causes the FPR definition of the term and related contractor responsibilities shown thereunder to be incorporated by reference in the solicitation (See § 5–7.102–73).

(c) When other than standard delivery terms are used, the solicitation shall clearly define the point of delivery and shall set forth any appropriate related contractor responsibilities. These responsibilities shall include factors such as those outlined in "contractor responsibilities" under specific FPR delivery terms, unless such responsibilities are provided for elsewhere in the solicitation.

§ 5-19.302 F.o.b. origin.

(a) When a contract specifies "f.o.b. origin," a Government bill of lading (GBL) normally shall be issued before shipment for use by the contractor unless the shipment will be made via postal or parcel services (see § 1-19.302(b)(5)). If the shipment is extremely urgent and a GBL cannot be issued in a timely manner, contracting officers may, after coordination with the transportation officer concerned, authorize shipment on a commercial bill of lading. If the transportation cost is estimated not to exceed \$100, the contractor shall be requested to ship on a prepaid basis and add the transportation charges to the invoice as provided in § 5-19.302-1.

provided in § 5–19.302–1.

(b) When f.o.b. origin shipments are authorized to be made by commercial bill of lading, the contracting officer shall instruct the contractor to (1) obtain the signature of the origin carrier's agent on the original and all copies of the commercial bill of lading; (2) annotate the original and all copies of the commercial bill of lading with the phrase "To Be Converted to U.S. Government Bill of Lading"; and (3) forward the original to the authorized Government office for conversion to a GBL.

§ 5-19.302-1 F.o.b. origin, freight prepaid.

When the contract specifies "f.o.b. origin, freight prepaid," the contractor shall be requested to make shipment on a commercial bill of lading and make payment to the transportation company.

These prepaid commercial bills of lading shall not be converted to GBL's. The contracting officer shall instruct the contractor, in writing, to show the transportation charges as a separate item on the invoice for each individual shipment and include a copy of the prepaid freight bill. This method shall be used only when transportation costs are estimated not to exceed \$100, unless a larger amount has been specifically authorized in writing by the contracting officer or his designated transportation officer.

§ 5-19.350 Deliveries to GSA supply distribution facilities.

(a) The following clause shall be used in contracts for stock items when separate delivered prices are solicited for individual GSA supply distribution facilities. The first sentence of the clause may be modified as appropriate when prices are requested to cover deliveries to specified destinations within certain areas; i.e., GSA regions or zones. When prices are solicited covering delivery to any point within specified regions or zones, the geographic areas of the regions or zones shall be defined in the solicitation.

Delivery Destination Prices

Prices cover delivery to the GSA supply distribution facilities specified in the item listing. Supplies shall be delivered to the named destination consignee's warehouse, unloading platform, or receiving dock at the expense of the Contractor. The Government shall not be liable for any delivery, storage, demurrage, detention, accessorial, or other charges involved prior to the actual delivery (or "constructive placement" as defined in carrier tariffs) of the supplies to the destination, unless such charges are caused by an act or order of the Government acting in its contractual capacity. If rail carrier is used, supplies will be delivered to the specified unloading platform of the consignee. If motor carrier (including "piggyback") is used, the Contractor shall provide tailgate delivery of all articles except those defined as "heavy or bulky freight" in Item 568 of the National Motor Freight Classification. If the Contractor uses rail carrier or freight forwarder for less than carload shipments, he shall ensure that the carrier will furnish tailgate delivery (except for heavy or bulky freight) if transfer to truck is required to complete delivery to the

(b) Less-than-carload/less-thantruckload shipments to GSA supply distribution facilities.

(1) It is common industry practice for shippers to take advantage of lower freight rates by consolidating less-than-carload/less-than-truckload shipments into a carload or truckload with stop-off privileges enroute for partial unloading. When a supply contract provides for delivery to destination, any economics

resulting from such consolidation accrue to the contractor; therefore, any costs associated with the use of the stop-off privilege should be borne by him. However, since the carriers' tarriff rules provide with respect to such shipments that each intermediate consignee must restow, block, and brace the remaining shipments in the conveyance before releasing the conveyance back to the carrier, the Government bears the restoration costs unless it recovers them from the contractor. Accordingly, invitations for bids for stock items which provide for delivery on a destination basis shall contain the following clause:

Less-Than-Carload/Less-Than-Truckload Shipments With Stop-Off Privileges

(a) When the contract provides for delivery to destination and the Contractor elects to deliver a less-than-carload/less-than truckload quantity with stop-off privileges for partial unloading, the Government's shipment must be loaded by the contractor in a manner which will not require the Government to restow, block, and brace any freight remaining in the conveyance.

(b) In the event the Contractor fails to comply with the above requirement the Government shall have the right, without prejudice to any other available remedies under the contract, to (1) reject the shipment or (2) perform the required restowing, blocking, and bracing by use of Government personnel and charge the Contractor therefor at a rate of \$13.50 per man-hour, with a minimum of \$13.50, and deduct such charges from the Contractor's invoice for the material.

(2) Deductions from contractor's invoice, pursuant to paragraph (b) of the clause above, will be made by the appropriate accounting center making payment for the supplies and will be based on a statement furnished by the receiving supply facility indicating the amount to be deducted and the basis therefor.

§5-19.351 Delivery terms—Federal Supply Schedule contracts.

(a) The following clause may be used in Federal Supply Schedule solicitations, as applicable, covering delivery to all destinations within specified zones, including Alaska, Hawaii, and Puerto Rico when contracts awarded include delivery prices for those zones:

Delivery Prices

Prices offered must cover delivery to destinations within the zone(s) to which such prices apply, as provided below:

(a) Delivery to the door of the specified Government activity by freight or express common carrier on articles for which storedoor delivery is provided free, or subject to a charge pursuant to regularly published tariffs duly filed with the Federal and/or State regulatory bodies governing such carrier; or, at the option of the Contractor, by parcel post

on mailable articles, or by the Contractor's vehicle. When store-door delivery is subject to a charge, the Contractor shall (1) place the notation "Delivery Service Requested" on bills of lading covering such shipments and (2) pay such charge and add the actual cost as a separate item to his invoice.

(b) Delivery to siding at destination when specified by the ordering office, if delivery is not covered under paragraph (a) above.

(c) Delivery to the freight station nearest destination when delivery is not covered under paragraphs (a) or (b) above.

Zones: For the purpose of this solicitation and any resulting contract, zones consist of the geographic areas specified below: Zone Geographic Area

(b) When delivered prices are desired to a specific area representing a large portion of potential requirements and it is also desired to make the items available outside such area, with appropriate adjustment in transportation costs, the following clause (modified to specify the applicable area) shall be used (Washington, DC, is used as an example only):

Delivery Prices

Prices bid must cover delivery to destination in Washington, DC, and contiguous area as provided below:

(a) Deliveries in the District of Columbia must be made, at the expense of the Contractor, within the doors of the storeroom ("storeroom" is understood to mean that room on the entrance floor of the building in which supplies can be deposited) designated in the delivery order. Deliveries in Prince Georges and Montgomery Counties in Maryland, the Cities of Alexandria and Falls Church, and Arlington and Fairfax Counties in Virginia, shall be made at the expense of the Contractor as follows:

(1) Delivery to the door of the specified Government activity by freight or express common carrier on articles for which storedoor delivery is provided, free or subject to a charge, pursuant to regularly published tariffs duly filed with the Federal and/or State regulatory bodies governing such carrier; or, at the option of the Contractor, by parcel post on mailable articles, or by the Contractor's vehicle. When store-door delivery is subject to a charge, the Contractor shall (i) place the notation "Delivery Service Requested" on bills of lading covering such shipments and (ii) pay such charge and add the actual cost thereof as a separate item to his invoice.

(2) Delivery to siding at destination when specified by the ordering office, if delivery is not covered under subparagraph (a)(1) above.

(3) Delivery to the freight station nearest destination when delivery is not covered under subparagraph (a) (1) or (2), above.

(b) When deliveries are made to destinations outside Washington, DC, and contiguous area, the following conditions will apply.

(1) On shipments weighing less than 100 pounds when transportation charges are not greater than to Washington, DC, the Contractor shall pay transportation charges. No freight adjustments are required.

(2) On all shipments other than specified in subparagraph (b)(1) above, the Contractor shall deduct from his invoice the transportation charges from his shipping point to Washington, DC, and add the actual cost of transportation to destinations designated by ordering offices Transportation charges will in all cases be based upon the lowest regularly established rates on file with the Interstate Commerce Commission, the Federal Maritime Commission (if shipped by water), or any State regulatory body, or published by the U.S. Postal Service, and must be supported by paid freight or express receipt or by a statement of parcel post charges, including weight of the shipment, or when delivered in Contractor's vehicle, by an explanatory statement.

(3) Subparagraphs (b) (1) and (2) above, will not apply when the Contractor stipulates that his Washington delivered price is also the delivered price to any point within the continental limits of the United States.

(4) The Contractor's shipping point for the purpose of computing transportation charges will be the shipping point named in his bid. When two or more shipping points are named by the Contractor without qualification as to destination areas to be served by each, freight charges to Washington, D.C., to be deducted from invoices and freight charges to destinations designated by ordering offices to be added to invoices will be computed from the shipping points involving the lowest transportation charges to Washington, D.C., and to designated destinations, respectively.

(5) The right is reserved by the ordering office to specify the type of transportation to be employed.

When more than one specified delivery point is used, either within a region or zone or within the contiguous United States, it will also be necessary to define specifically the limits of the surrounding area in which deliveries are authorized through application of the transportation cost adjustment clause. This is necessary to avoid having two Federal Supply Schedule contracts which could be used for delivery of the same item to the same point.

§ 5-19.352 Contracting for agencies located in Alaska.

When supplies are purchased for use in Alaska, it is the policy of the Federal Supply Service that procurement will be made from firms located in Alaska as follows:

(a) Solicitations for requirements of Federal agencies located in Alaska shall solicit offers on the basis of alternate delivery terms including f.o.b. Alaskan destination basis. When the requiring agency specifically requests delivery on other than an f.o.b. Alaskan destination basis, contracting officers shall verify the validity of such requests and document the case file.

(b) When feasible, offers involving delivery in Alaska shall be solicited f.o.b. origin, f.o.b. port of exit (Seattle).

and f.o.b. Alaskan destination. (See § 1-19.202-7.) All offers shall be evaluated on the basis of the lowest delivered cost

to the ultimate destination.

(c) Federal supply schedules should include a delivery zone providing for delivery f.o.b. named Alaska destination to the extent that these destinations are served by regularly scheduled surface transportation. Contracting officers shall request assistance from the appropriate Transportation Services Division in determining Alaska destination with regularly scheduled surface transportation.

CHAPTER 5A—GENERAL SERVICES ADMINISTRATION

[APD 2800.3 CHGE 15]

1. The table of Parts for GSPR 5A is amended to delete Part 5A-19— Transportation as follows:

PART 5A-19 [Deleted]

PART 5A-19—TRANSPORTATION

Part 5A-19 is deleted in its entirety as follows:

PART 5A-19 [Deleted]

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c))) Dated: November 26, 1980.

Gerald McBride,

Assistant Administrator for Acquisition Policy.

[FR Doc. 80-39149 Filed 12-16-80; 8:45 am]

BILLING CODE 6820-61-M

41 CFR Parts 5-26 and 5A-26

Public Contracts and Property Management; Contract Modifications

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: The General Services
Administration Procurement
Regulations, Chapter 5, are amended to
transfer policies and procedures
regarding contract modifications from
Chapter 5A. This transfer is part of the
action to incorporate appropriate
material in Chapter 5A into Chapter 5.
The intended effect is to have a single
GSA-wide procurement regulation.

EFFECTIVE DATE: December 31, 1980.

FOR FURTHER INFORMATION CONTACT: Philip G. Read, Director, Federal Procurement Regulations Directorate, Office of Acquisition Policy, (703–557–8947).

SUPPLEMENTARY INFORMATION:

Outstanding Procurement Letters remain in effect until canceled.

CHAPTER 5—GENERAL SERVICES ADMINISTRATION

[APD 2800.2 CHGE 10]

The Table of Parts is amended by adding the following entry:

Table of Parts

Part

5-26 Contract Modifications.

2. The Contents for Part 5-26 is added as follows:

PART 5-26—CONTRACT MODIFICATIONS

Subpart 5-26.50—Change Orders

0--

5-26.5000 Scope of subpart.

5-26.5001 Definition of change order.

5-26.5002 Change order accounting procedures.

5-26.5003 Complete and final equitable adjustments.

5-26.5004 Change order administration procedures.

5-26.5004-1 Change order documentation. 5-26.5004-2 Authority to issue change orders.

5-26.5004-3 Preparation of change order. 5-26.5004-4 Issuance of urgent change

orders.
5-26.5004-5 Correction or revision.
5-26.5004-6 Follow-up of contractor

proposals.
5-26.5004-7 Analysis and negotiation of proposals.

3. Part 5-26—Contract Modifications is added as follows:

PART 5-26—CONTRACT MODIFICATIONS

Subpart 5-26.50—Change Orders

§ 5-26.5000 Scope of subpart.

This subpart sets forth policies and procedures governing the issuance and processing of change orders for supplies and related services.

§ 5-26.5001 Definition of change order.

"Change Order" means a written order signed by the contracting officer, directing the contractor to make changes which the Changes clause of the contract authorizes the contracting officer to order without the consent of the contractor.

§ 5-26.5002 Change order accounting procedures.

(a) Prior to the issuance of a change order, "forward pricing" should be accomplished whenever feasible. Forward pricing means: The price of contract modifications shall be negotiated prior to execution if this can be done without adversely affecting the interests of the Government.

(b) If a significant cost increase could result from a change order but time does not permit negotiation of a firm price for the change order, a maximum price for the total contract should be negotiated, if practical. As a minimum, the file should be documented to show the Government's estimated cost for the

(c) When forward pricing is not possible and retroactive pricing is the only alternative, the latter can be affected more accurately if the Government has complete and accurate information disclosing a contractor's costs incurred in performing the changes. Recording change order costs is a difficult and complex task with respect to certain aspects of work and cost; hence, contractors' accounting systems seldom segregate the costs of performing changed work. Therefore, before submission of offers, prospective contractors should be advised of the possible need to alter or improve their accounting procedures to comply with the need for appropriate change order cost segregation.

(d) The following Change Order
Accounting clause and Change Orders—
Submission of Claims clause shall be
included in all solicitations when it is
anticipated (i) that after award of a
contract there may be a change(s) which
may exceed \$100,000 in cost, or (ii) that
the total contract award with changes

may exceed \$500,000.

Change Order Accounting

The contractor and his subcontractors are required to maintain acceptable accounting systems including change order account systems for each change order, or series, or related change orders. These systems shall include separate accounts, by job order or other suitable accounting procedure, of all incurred segregable direct costs (less allocable credits) of work, both changed and unchanged, allocable to the change. These accounts shall be controlled by the general books of account.

Change Orders-Submission of Claims

(a) Any claims for adjustment of contract price or delivery schedule which a Contractor wishes to assert as a result of any change order(s) must be submitted in accordance with the Changes clause (article 2 of Standard Form 32) and the Change Order Accounting clause.

(b) If it is impossible for the Contractor to completely support the assertion of claim with detailed cost or pricing data as required by 41 CFR 1-3.807-3(a)(2) of the Federal Procurement Regulations, the Contractor shall state the reasons for his inability to do so at the time of first asserting the claim. The Contractor shall then be allowed — 1 calendar days from the date of first asserting the claim to submit the missing detailed data.

¹Normally 30 calendar days.

or until the Contractor has completed (or manufactured) ——— ² percent of the items which were changed by the change order(s), at the option of the Contracting Officer.

- (e) It may not be possible to enumerate all categories of costs attibutable to a change order because such costs vary according to the particular contract and the contractor's accounting system. Certain categories of costs are less susceptible to accounting segregation than others. Nevertheless, the following categories of costs normally are segregable and accountable as direct costs under the terms of the first clause in paragraph [d] of this section.
- (1) Nonrecurring costs; e.g., engineering costs and costs of obsolete work or reperformed work;
- (2) Costs of added distinct work; e.g., new subcontract work, or new prototypes, or new retrofit or backfit kits caused by the change order; and
- (3) Costs of recurring work; e.g., labor and material costs.

§5-26.5003 Complete and final equitable adjustments.

Controversies sometimes arise in interpreting what the parties to a contract intended to include within the scope and terms of the equitable adjustment resulting from a change order. To ensure that equitable adjustments are complete, contractors should make every reasonable effort to present to the Govenment all elements of adjustment arising out of the change order to which the equitable adjustment pertains. The equitable adjustment agreement should contain provisions releasing the Government from any and all liability under the contract for further equitable adjustments relating to the claim.

§5-26.5004 Change order administration procedures.

§5-26.5004-1 Change order documentation.

When change orders are not forward priced (see § 5-26.5002(c)) they require two documents: the change order and a supplemental agreement reflecting the resulting equitable adjustment in contract terms. If an equitable adjustment in the contract or delivery terms, or both, can be agreed upon in advance, only a supplemental agreement need be issued.

§ 5-26.5004-2 Authority to issue change orders.

Change orders shall be issued only by the responsible contracting officer after coordination as appropriate, with assigned counsel, quality control, finance, audit, or other technical personnel.

§ 5-26.5004-3 Preparation of change order.

All change orders shall be prepared on Standard Form 30, Amendment of Solicitation/Modification of Contract (see § 5–16.901–30–1). All applicable items on the form shall be completed. However, the estimated change in contract price shall not be shown on copies of the Standard Form 30 furnished to the contractor when SF 30 is used as a change order document. (see § 5–26.5004–1). Copies of change orders shall be distributed promptly to the same addressees who received the basic contract.

§ 5-26.5004-4 Issuance of urgent change orders.

Under unusual or urgent circumstances, the contracting officer may order changes by telegraphic message, *Provided*, that:

- (a) Copies of the message are furnished promptly to the same addressees who received the basic contract:
- (b) Immediate action is taken to confirm the change by issuance of Standard Form 30; and
- (c) The message contains substantially the information required by Standard Form 30, (except that the estimated change in price shall not be indicated), including in the body of the message the statement, "Signed by (Name), Contracting Officer." The original copy from which the message is made, shall be manually signed by the indicated contracting officer.

§ 5-26.5004-5 Correction or revision.

Upon receiving a copy of a change order from the contracting officer, the appropriate regional Quality Control Division shall review it to assure that the provisions are compatible with the status of performance. For example, if the contractor has progressed beyond the effective point specified in the change order, the earliest practical point at which the change order could be made effective should be determined and the contracting officer advised accordingly. Correction, revision, or supersession of a change order shall be made by issuing another change order. The definitizing supplemental agreement shall cite both change orders.

§ 5-26.5004-6 Follow-up of contractor proposals.

When a change order is not forward-priced, equitable adjustments resulting from change orders shall be negotiated in the shortest practicable time. The contracting officer shall establish a suspense system which shall identify outstanding unpriced change orders. The time frames for consummating the equitable price adjustment shall be in accordance with the second clause set forth in § 5–26.5002(b).

§ 5-26.5004-7 Analysis and negotiation of proposals.

Upon receipt of the contractor's proposals, the contracting officer shall evaluate and negotiate any equitable adjustments. Where appropriate, the contracting officer shall ensure that cost or price analysis is conducted in accordance with § 1–3.807–2 and shall consider the contractor's segregable direct costs of the change plus applicable indirect costs. If additional funds as a result of the change are required (see § 5–1.402–71), the contracting officer shall secure the funds before making any adjustment to the contract.

CHAPTER 5A—GENERAL SERVICES ADMINISTRATION

[APD 2800.3 CHGE 14]

1. The Table of Parts for GSPR 5A is amended to delete Part 5A-26—Contract Modifications as follows:

PART 5A-26 [Deleted]

PART 5A-26—CONTRACT MODIFICATIONS

2. Part 5A-26 is deleted in its entirety as follows:

PART 5A-26 [Deleted]

(Sec. 205(c), 63 Stat. 390; U.S.C. 486(c)) Dated: November 26, 1980. Gerald McBride,

Assistant Administrator for Acquisition Policy.

[FR Doc. 80-39117 Filed 12-16-80; 8:45 am] BILLING CODE 6820-61-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR 3800

[Circular No. 2480]

Surface Management of Public Lands Under U.S. Mining Laws; Correction

AGENCY: Bureau of Land Management, Interior.

²Normally 50 percent. [The contracting officer may determine any other number of days or percentages that is reasonable and adequate to protect the Government's interests. The determination shall be documented in the contract file.]

ACTION: Final rule: correction.

SUMMARY: This document corrects typographical errors contained in the final regulations published in the Federal Register (45 FR 78902) on November 26, 1980, that implements the provisions of the Federal Land Policy and Management Act of 1976, and requires mining claimants to complete reasonable reclamation on Federal lands administered by the Bureau of Land Management during and upon termination of exploration and mining activities under the mining laws.

FOR FURTHER INFORMATION CONTACT: Eugene Carlat (202) 343–8537 or Robert M. Anderson (202) 343–8537.

Accordingly, 43 CFR 3800 as published in Volume 45 of the Federal Register beginning on page 78902 is corrected as follows:

- 1. Page 78902, column 2, second paragraph, line 5 and fifth paragraph, line 3, the phrase "unnecessary and undue" shall read "unnecessary or undue."
- Page 78904, column 2, sixth paragraph, line 4, the word "incudes" shall read "includes."
- 3. Page 78904, column 3, line 1, the word "of" shall be changed to "or."
- 4. Page 78904, column 3, first paragraph, line 9, the word "and" shall be changed to the word "or".
- 5. Page 78905, column 2, third paragraph, line 27, the word "necessary" shall be changed to "necessary."
- 6. Page 78905, column 3, third paragraph, line 18, the phrase "unnecessary and undue" shall be changed to read "unnecessary or undue."
- 7. Page 78907, column 1, last paragraph, line 16, the phrase "unnecessary and undue" shall be changed to read "unnecessary or undue."
- 8. Page 78910, column 2, second paragraph, line 6, the phrase "in this part" shall be corrected to read "in this subpart."
- 9. Page 78911, column 1, fifth paragraph, column 2, fourth paragraph, and column 3, sixth and seventh paragraphs, the phrases "of this section" and "of this Part" shall be corrected to read "of this title."
- 10. Page 78912, column 1, fourth paragraph, column 2, seventh paragraph, column 3, ninth and tenth paragraphs, the phrase "of this Part" shall be corrected to read "of this title." In column 2, fourth paragraph, line 11, the phrase "unnecessary and undue" shall be changed to read "unnecessary or undue."

- 11. Page 78913, column 1, second, fifth and sixth paragraphs, column 2, second and fourth paragraphs, column 3, third and fourth paragraphs, the phrases "of this Part" or "of this part" shall be corrected to read "of this title." In column 3, second paragraph, line 3, the word "environmental" shall be changed to "environmental." In column 3, seventh paragraph, line 9, the word "neither" shall be changed to read "either."
- 12. Page 78914, column 1, fifth paragraph, line 1, the phrase "in this part" shall be corrected to read "in this subpart." In columns 2 and 3, the phrase "of this Part" shall be corrected to read "of this title."

James W. Curlin,

Acting Assistant Secretary of the Interior.

December 1, 1980.

[FR Doc. 80-39088 Filed 12-16-80; 8:45 am]

43 CFR Public Land Order 5788

[A-6630]

Arizona; Withdrawal for Burro Creek Campground

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws 310 acres of public land and reserves it for protection of scenic and recreational values of the Burro Creek Campground for a period of 20 years.

EFFECTIVE DATE: December 17, 1980.

FOR FURTHER INFORMATION CONTACT: Mario L. Lopez, Arizona State Office, 602–261–4774.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is hereby ordered as follows:

1. Subject to valid existing rights, the following described public lands which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from settlement, sale, location, or entry, under the general land laws, including the mining laws, 30 U.S.C. Ch. 2, but not the mineral leasing laws, as a Bureau of Land Management recreation site.

Gila and Salt River Meridian

Burro Creek Campground

T. 14 N., R. 11 W., Sec. 19 SE ¼NE¼, E½NE¼NE¼, E½SW¼NE¼, SW¼SW¼NE¼, E½SE¼SE¼NW¼, E½NE¼SW¼,

Sec. 20, SW4/NW4/NW4, W4/NW4/NW1 4NW4, NW4/SW4/NW4, and W4/SW4/SW4/NW4.

The areas described contain 310 acres in Mohave County.

- 2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.
- This withdrawal shall remain in effect for a period of 20 years from the date of this order.

Guy R. Martin,

Assistant Secretary of the Interior.

December 10, 1980.

[FR Doc. 80-39115 Filed 12-16-80; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5789

[OR 19205]

Oregon; Public Land Order 5752; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order will correct an error in the land description of Public Land Order No. 5752 which revoked a stock driveway withdrawal.

EFFECTIVE DATE: December 17, 1980.

Champ C. Vaughan In Oregon State

Champ C. Vaughan, Jr., Oregon State Office 503–231–6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204(a) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. A description of lands in Public Land Order No. 5752 of September 22, 1980, in FR Doc. 80–29851 appearing at page 64178 in the issue for Monday, September 29, 1980, in the third column under T. 7 S., R. 18 E. the penultimate line reads "Sec. 24, N½NE¼." It should be corrected to read "Sec. 34, N½NE¼."

Guy R. Martin,

Assistant Secretary of the Interior.

December 10, 1980.

[FR Doc. 80-39116 Filed 12-16-80; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

National Flood Insurance Program; **Final Flood Elevation Determinations**

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or

show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426-1460 or Toll Free Line (800) 424-8872, (In Alaska and Hawaii call Toll Free Line (800) 424-9080), Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The

Federal Insurance Administrator gives notice of the final determination of flood elevation for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448, 42 U.S.C. 4001-4128, and 44 CFR Part 67). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

The final base (100-Year) flood elevations for selected locations are:

Final Base (100-Year) Flood Elevations

State	City/town/county .	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
lebama	City of Fultondale, Jefferson County (FEMA-5874).	Five Mile Creek	Just upstream of corporate limits	*498
		Black Creek	Just upstream of Stouts Road	*497 *515
Maps available for i	inspection at City Hall, 1005 Walkers Ches	el Road, Fultondale, Alabama 3500	8.	
kansas	City of Danville, Yell County (FEMA-5853).	Petit Jean River	Just downstream of Chicago, Rock Island and Pacific Railroad	*330
	AND DESCRIPTION OF THE PERSON	Dutch Creek	Just downstream of Bailey Branch Road.	*334
		Melchor Creek	Just downstream of Chicago, Rock Island and Pacific Railroad	*331
Maps available for i	inspection at City Hall, Danville, Arkansas			
orida		Lake Adelaide	Entire Shoreline	*61
	Seminole County (FEMA-585)			
		Lake Alma	Entire Shoreline	*59
		Lake Ann		*63
		Bear Gulley Lake		*107
		Lake Brantley		*48
		Lake Burkette		*56
		Cranes Roost		*61
		Cub Lake	Entire Shoreline	*105
		Lake Destiny	Entire Shoreline	*91
		Dewdrop Pool	Entire Shoreline	*70
		Fairy Lake		*58
		Lake Faith	The state of the s	*73
		Lake Florence		*67
		Golden Lake		*56
		Grace Lake		*40
		Grassy Lake		*86
		Hidden Lake		*39
		Lake Hope		*74
		Lake Howell		*55
		Lake Irish	Entire Shoreline	*48
		Island Lake (Lake Mary)	Entire Shoreline	*48
		Island Lake (Longwood)	Entire Shoreline	*85
		Lake Jessup		*10
		Lake KathrynLittle Crystal Lake		*55
		Loch Low Lake		*45
		Lake Lotus		*82
		Lake Marietta	Entire Shoreline	*48
		Lake Minnie	Entire Shoreline	*38
		Lake Mobile		*81
		Lake Myrtle		*54
		Lake Orienta	Entire Shoreline	*67
		Pearl Lake (West Altamonte Springs).	Entire Shoreline	*88
		Pearl Lake (East Altamonte	Entire Shoreline	*88
		Springs).	Carrie Observation	
	AND DESCRIPTION OF THE PARTY OF	Prairie Lake	Entire Shoreline	*88
	PROPERTY AND INCIDENCE OF THE PARTY OF THE P	Reservoir Lake		*68
		Rock Lake		*46
		Round Lake		*81
		Lake Ruth	Entire Shoreline	*48
		Spring Wood Lake	Entire Shoreline	191
		Trout Lake (Alternante Carlesa)	Entire Shoreline	*63

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth feet abo ground *Elevati in feet (NGVD
	STATE OF THE PARTY	Trout Lake (Casselberry)	Entire Shoreline	
		St. Johns River	Just upstream of U.S. Highways 17 and 92	
		weeks bloom	Just downstream of Osceola Road Just upstream of State Route 46	
		Wekiva Hiver	Just upstream of State Houte 46	
			Just upstream of State Route 13	
		Little Econlockhatchee River	Just upstream of State Route 520	
		Little Wekiva River	Just downstream of Palm Springs Read (State Road 434)	
			Just downstream of Orange Avenue Just downstream of Northwestern Avenue	
		Tributary B	Just upstream of Alder Avenue	
		According Market	Just downstream of Lake Brantley Road.	When !
		Soldier Creek	Just upstream of U.S. Highways 17 and 92	
		Howell Creek		- 4
			Just downstream Dodds Road	
			Just upstream of North Lake Howell Road	
		Tributary A	Just upstream of Kewanee Drive Just downstream of Talbot Road	
		Sweetwater Creek	Just upstream of State Road 419	13 9
			Just upstream of Myrtle Avenue	9
			Just downstream of State Route S-427	
		Six Mile Creek Tributary	Just upstream of State Route S-427 Just downstream of Airport Blvd	
		Gee Creek	Just upstream of Laura Ştreet	
Maps available for	inspection at Planning Department, Park Av-			
		Hurricane Creek	At downstream corporate limits	
//3	(V), Eldred, Greene County (Docket No. FEMA-5874.	maricane Oreek	About 700 feet downstream Bluff Street	
	Antonio de la companya del companya de la companya della companya		Just downstream Bluff Street	
			At upstream corporate limits	
		Illinois River	 About 0.75 mile downstream State Route 108 (West of Maple Street; North of Locust Street). 	
Maps available for	inspection at Eldred Post Office, Eldred, Illin	nois 62027.		
			A. S	
01S	(V), Sauk Village, Cook County (Docket No. FEMA-5841).	Lansing Ditch	At the confluence of Unnamed Tributary to Lansing Ditch	
	The property of a sequence of the			
	innesting at Village Hell 24704 Taylore A	Lansing Ditch East Tributary	At the confluence of Lansing Ditch East Tribulary About 100 feet downstream of Katz Corner Road About 1,450 feet upstream of Katz Corner Road	
12 200	inspection at Village Hall, 21701 Torrence A		At the confluence of Lansing Ditch East Tributary About 100 feet downstream of Katz Corner Road About 1,450 feet upstream of Katz Corner Road About 630 feet downstream of Conrail	
The Party of the P		Avenue, Sauk Village, Illinois 60411	At the confluence of Lansing Ditch East Tribulary About 100 feet downstream of Katz Corner Road About 1,450 feet upstream of Katz Corner Road About 630 feet downstream of Conrail About 240 feet downstream of Conrail	
15-32-11		Avenue, Sauk Village, Illinois 60411	At the confluence of Lansing Ditch East Tributary About 100 feet downstream of Katz Corner Road About 1,450 feet upstream of Katz Corner Road About 630 feet downstream of Conrail About 240 feet downstream of Conrail About 200 feet downstream of Washington Street About 100 feet upstream of Washington Street	
inā	(T), Frankton, Madison County (Docket No. FEMA-5874)	Venue, Sauk Village, Illinois 60411 Pipe Creek	At the confluence of Lansing Ditch East Tributary About 100 feet downstream of Katz Corner Road About 1,450 feet upstream of Katz Corner Road About 630 feet downstream of Conrail About 240 feet downstream of Conrail About 200 feet downstream of Washington Street About 100 feet upstream of Washington Street About 0.72 mile upstream of Washington Street	
Maps available for	(T), Frankton, Madison County (Docket No. FEMA-5874)	Venue, Sauk Village, Illinois 60411 Pipe Creek	At the confluence of Lansing Ditch East Tributary About 100 feet downstream of Katz Corner Road About 1,450 feet upstream of Katz Corner Road About 630 feet downstream of Conrail About 240 feet downstream of Conrail About 200 feet downstream of Washington Street About 100 feet upstream of Washington Street About 0.72 mile upstream of Washington Street a 46044.	
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Maps available for	(T), Frankton, Madison County (Docket No. FEMA-5874). * inspection at the Clerk's Office, Town Hall, (Uninc.), Sedgwick County	Pipe Creek	At the confluence of Lansing Ditch East Tributary About 100 feet downstream of Katz Corner Road About 1,450 feet upstream of Katz Corner Road About 1,450 feet upstream of Katz Corner Road About 240 feet downstream of Conrail About 200 feet downstream of Washington Street About 100 feet upstream of Washington Street About 0.72 mile upstream of Washington Street About 0.72 mile upstream of Washington Street About 505 mile upstream of mouth. Just downstream of Atchison, Topeka and Santa Fe Railway Just upstream of 91st Street South. About .56 mile upstream of Woodlawn Avenue. 0.5 mile downstream of 95th Street South Just upstream of 95th Street South At City of Haysville corporate limit. At City of Wichita corporate limit. About 150 feet upstream of Maple Street Just upstream of Maize Road Just downstream of 119th Street West Just downstream of 21st Street North Just downstream of Maize Road Just downstream of Maize Road Just downstream of Maize Road Just upstream of Maize Road About 1.0 mile upstream of 19th Street West.	**************************************
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Maps available for	(T), Frankton, Madison County (Docket No. FEMA-5874). * inspection at the Clerk's Office, Town Hall, (Uninc.), Sedgwick County	Pipe Creek	At the confluence of Lansing Ditch East Tribulary About 100 feet downstream of Katz Corner Road About 1,450 feet upstream of Katz Corner Road About 1,450 feet upstream of Katz Corner Road About 240 feet downstream of Conrail About 200 feet downstream of Washington Street About 100 feet upstream of Washington Street About 0.72 mile upstream of Washington Street About 0.72 mile upstream of Washington Street About 5.6 mile upstream of Washington Street Just downstream of Atchison, Topeka and Santa Fe Railway Just upstream of Atchison, Topeka and Santa Fe Railway Just upstream of 91st Street South About 56 mile upstream of Woodlawn Avenue 0.5 mile downstream of 95th Street South Just upstream of 95th Steeet South At City of Haysville corporate limit At City of Wichita corporate limit At City of Wichita corporate limit About 150 feet upstream of Maple Street Just downstream Central Avenue Just downstream Central Avenue Just downstream of 21st Street North Just downstream of Maize Road Just upstream of Maize Road About 1.0 mile upstream of 119th Street West At confluence with Calfskin Creek At onfluence of Middle Fork Calfskin Creek About 0.83 mile upstream of Maple Street	**************************************
Maps available for	(T), Frankton, Madison County (Docket No. FEMA-5874). inspection at the Clerk's Office, Town Hall, (Uninc.), Sedgwick County	Pipe Creek	At the confluence of Lansing Ditch East Tribulary About 100 feet downstream of Katz Corner Road About 1,450 feet upstream of Katz Corner Road About 1,450 feet upstream of Katz Corner Road About 240 feet downstream of Conrail About 200 feet downstream of Washington Street About 100 feet upstream of Washington Street About 107z mile upstream of Washington Street About 0.7z mile upstream of Washington Street About 0.7z mile upstream of Washington Street About 5.6 mile upstream of Mouth Just downstream of Atchison, Topeka and Santa Fe Railway Just upstream of 91st Street South About 5.6 mile upstream of Woodlawn Avenue 0.5 mile downstream of 95th Street South Just upstream of 95th Steet South At City of Haysville corporate limit At City of Wichita corporate limit Just downstream of Maize Road Just downstream of 119th Street West Just downstream of 119th Street West Just downstream of 119th Street West Just downstream of Maize Road Just upstream of Maize Road About 1.0 mile upstream of Maple Street About 1.0 mile upstream of Maple Street About 1.0 mile upstream of Maple Street	*** *** *** *** *** *** *** *** ** ** *
Maps available for	(T), Frankton, Madison County (Docket No. FEMA-5874). inspection at the Clerk's Office, Town Hall, (Uninc.), Sedgwick County	Pipe Creek	At the confluence of Lansing Ditch East Tribulary About 100 feet downstream of Katz Corner Road About 1,450 feet upstream of Katz Corner Road About 1,450 feet upstream of Katz Corner Road About 240 feet downstream of Conrail About 200 feet downstream of Washington Street About 100 feet upstream of Washington Street About 10,72 mile upstream of Washington Street About 0,72 mile upstream of Washington Street About 5,72 mile upstream of Washington Street About 5,72 mile upstream of Washington Street About 5,74 mile upstream of Mouth Just downstream of Atchison, Topeka and Santa Fe Railway Just upstream of 91st Street South About 5,65 mile upstream of Woodlawn Avenue 0,5 mile downstream of 95th Street South At City of Haysville corporate limit At City of Haysville corporate limit At City of Wichita corporate limit About 150 feet upstream of Maple Street Just downstream of 21st Street North Just downstream of 11sth Street West Just downstream of Maize Road Just upstream of Maize Road About 1,0 mile upstream of 119th Street West At confluence with Calfskin Creek About 0,83 mile upstream of Maple Street About 1,5 miles upstream of Maple Street	*** *** *** *** *** *** *** *** *** **
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Maps available for	(T), Frankton, Madison County (Docket No. FEMA-5874). inspection at the Clerk's Office, Town Hall, (Uninc.), Sedgwick County	Pipe Creek	At the confluence of Lansing Ditch East Tribulary About 100 feet downstream of Katz Corner Road About 1,450 feet upstream of Katz Corner Road About 1,450 feet upstream of Katz Corner Road About 240 feet downstream of Conrail About 200 feet downstream of Washington Street About 100 feet upstream of Washington Street About 100 feet upstream of Washington Street About 0.72 mile upstream of Washington Street About 0.72 mile upstream of Washington Street a 46044. 0.35 mile upstream of Mouth Just downstream of Atchison, Topeka and Santa Fe Railway Just upstream of Atchison, Topeka and Santa Fe Railway Just upstream of 91st Street South About .56 mile upstream of Woodlawn Avenue 0.5 mile downstream of 95th Street South Just upstream of Mootlawn Avenue 0.4 Toty of Haysville corporate limit At City of Wichita corporate limit At City of Wichita corporate limit About 150 feet upstream of Maple Street Just downstream Central Avenue Just downstream Central Avenue Just downstream of 21st Street North Just downstream of Maize Road Just upstream of Maize Road Just upstream of Maize Road About 1.0 mile upstream of 119th Street West At confluence with Calfskin Creek. At confluence with Calfskin Creek. About 0.83 mile upstream of Maple Street About 1.5 miles upstream of Maple Street About 1.5 miles upstream of of onfluence with North Fork Calfskin About 1.5 miles upstream of of onfluence with North Fork Calfskin About 1.5 miles upstream of confluence with North Fork Calfskin About 1.5 miles upstream of confluence with North Fork Calfskin About 1.5 miles upstream of of onfluence with North Fork Calfskin	**************************************
Maps available for	(T), Frankton, Madison County (Docket No. FEMA-5874). inspection at the Clerk's Office, Town Hall, (Uninc.), Sedgwick County	Pipe Creek	At the confluence of Lansing Ditch East Tribulary About 100 feet downstream of Katz Corner Road About 1,450 feet upstream of Katz Corner Road About 1,450 feet upstream of Katz Corner Road About 240 feet downstream of Conrall About 200 feet downstream of Washington Street About 100 feet upstream of Washington Street About 10,72 mile upstream of Washington Street About 0,72 mile upstream of Washington Street About 0,72 mile upstream of Washington Street About 5,6 mile upstream of Mouth Just downstream of Atchison, Topeka and Santa Fe Railway Just upstream of 91st Street South About 5,6 mile upstream of Woodlawn Avenue 0,5 mile downstream of 95th Street South Just upstream of 95th Street South At City of Haysville corporate limit. At City of Wichita corporate limit. About 150 feet upstream of Maple Street Just downstream of Maize Road Just downstream of 119th Street West Just downstream of Maize Road Just upstream of Maize Road About 1,0 mile upstream of 119th Street West. At confluence with Calfskin Creek About 0,83 mile upstream of Maple Street About 1,5 miles upstream of Maple Street About 1,5 mile upstream of Maple Street About 0,83 mile upstream of Maple Street	**************************************
Maps available for	(T), Frankton, Madison County (Docket No. FEMA-5874). inspection at the Clerk's Office, Town Hall, (Uninc.), Sedgwick County	Pipe Creek	At the confluence of Lansing Ditch East Tributary About 100 feet downstream of Katz Corner Road About 1,450 feet upstream of Katz Corner Road About 1,450 feet upstream of Katz Corner Road About 240 feet downstream of Conrall About 200 feet downstream of Washington Street About 100 feet upstream of Washington Street About 0,72 mile upstream of Washington Street About 0,72 mile upstream of Washington Street About 5,72 mile upstream of Washington Street About 5,85 mile upstream of Mouth. Just downstream of Atchison, Topeka and Santa Fe Railway Just upstream of 91st Street South. About 5,65 mile upstream of Woodlawn Avenue 0,5 mile downstream of 95th Street South Just upstream of 95th Street South At City of Haysville corporate limit. At City of Haysville corporate limit. At City of Wichita corporate limit. About 150 feet upstream of Maple Street Just downstream of 119th Street West Just downstream of 21st Street North Just downstream of 119th Street West At confluence of Middle Fork Calfskin Creek. At confluence with Calfskin Creek. About 0,83 mile upstream of Maple Street About 0,84 mile upstream of Maple Street About 0,84 mile upstream of Maple Street About 0,85 mile	*** *** *** *** *** *** *** *** *** **
Maps available for	(T), Frankton, Madison County (Docket No. FEMA-5874). inspection at the Clerk's Office, Town Hall, (Uninc.), Sedgwick County	Pipe Creek	At the confluence of Lansing Ditch East Tribulary About 100 feet downstream of Katz Corner Road About 1,450 feet upstream of Katz Corner Road About 1,450 feet upstream of Katz Corner Road About 240 feet downstream of Conrail About 200 feet downstream of Washington Street About 100 feet upstream of Washington Street About 100 feet upstream of Washington Street About 0,72 mile upstream of Washington Street About 0,72 mile upstream of Washington Street About 5,6 mile upstream of Washington Street But upstream of Atchison, Topeka and Santa Fe Railway Just upstream of Atchison, Topeka and Santa Fe Railway Just upstream of 95th Street South About 5,6 mile upstream of Woodlawn Avenue D.5 mile downstream of 95th Street South At City of Haysville corporate limit About 150 feet upstream of Maple Street Just upstream of Maize Road Just downstream of 21st Street North Just downstream of 11sth Street West Just downstream of 11sth Street West Just downstream of Maize Road Just upstream of Maize Road Just upstream of Maize Road About 1,0 mile upstream of 11sth Street West At confluence with Calfskin Creek At confluence with Calfskin Creek About 0,8 mile upstream of Maple Street About 1,0 mile upstream of Maple Street About 1,0 mile upstream of Maple Street About 1,5 mile upstream of Maple Street About 0,8 mile upstream of Maple Street About 0,9 mile upstream of Maple Street About 0,7 mile downstream of Missouri Pacific Railroad Just downstream of Ridge Road About 1,0 mile upstream of Asth Street North Just downstream of Ridge Road About 0,7 mile downstream of 45th Street North	**************************************
Maps available for	(T), Frankton, Madison County (Docket No. FEMA-5874). inspection at the Clerk's Office, Town Hall, (Uninc.), Sedgwick County	Pipe Creek	At the confluence of Lansing Ditch East Tribulary About 100 feet downstream of Katz Corner Road About 1,450 feet upstream of Katz Corner Road About 1,450 feet upstream of Katz Corner Road About 240 feet downstream of Conrall About 200 feet downstream of Washington Street About 100 feet upstream of Washington Street About 10,72 mile upstream of Washington Street About 0,72 mile upstream of Washington Street About 0,72 mile upstream of Washington Street About 5,6 mile upstream of Mouth Just downstream of Atchison, Topeka and Santa Fe Railway Just upstream of 91st Street South About 5,6 mile upstream of Woodlawn Avenue 0,5 mile downstream of 95th Street South Just upstream of 95th Street South At City of Haysville corporate limit. At City of Wichita corporate limit. About 150 feet upstream of Maple Street Just upstream of Maize Road Just downstream of 119th Street West Just downstream of 119th Street West Just downstream of Maize Road Just upstream of Maize Road About 1,0 mile upstream of 119th Street West At confluence with Calfskin Creek About 0,8 mile upstream of Maple Street About 1,5 miles upstream of Maple Street About 0,83 mile upstream of Maple Street About 0,77 mile upstream of Afaple Street About 0,77 mile downstream of 45th Street North Just downstream of 21st Street North Just downstream of 13th Street North	**************************************
Maps available for	(T), Frankton, Madison County (Docket No. FEMA-5874). inspection at the Clerk's Office, Town Hall, (Uninc.), Sedgwick County	Pipe Creek	At the confluence of Lansing Ditch East Tribulary About 100 feet downstream of Katz Corner Road About 1,450 feet upstream of Katz Corner Road About 1,450 feet upstream of Katz Corner Road About 240 feet downstream of Conrall About 200 feet downstream of Washington Street About 100 feet upstream of Washington Street About 100 feet upstream of Washington Street About 0,72 mile upstream of Washington Street About 0,72 mile upstream of Washington Street About 5,6 mile upstream of Washington Street But upstream of Atchison, Topeka and Santa Fe Railway Just upstream of Atchison, Topeka and Santa Fe Railway Just upstream of 91st Street South About 5,6 mile upstream of Woodlawn Avenue D.5 mile downstream of 95th Street South At City of Haysville corporate limit At City of Wichita corporate limit About 150 feet upstream of Maple Street Just upstream of Maize Road Just downstream of 21st Street North Just downstream of 11sth Street West Just downstream of Maize Road Just upstream of Maize Road Just upstream of Maize Road About 1,0 mile upstream of 11sth Street West At confluence with Calfskin Creek At confluence with Calfskin Creek About 0,8 mile upstream of Maple Street About 1,5 mile upstream of Maple Street About 0,8 mile upstream of Maple Street About 1,5 mile upstream of Maple Street About 1,5 mile upstream of Maple Street About 0,8 mile upstream of Maple Street About 0,8 mile upstream of Maple Street About 0,8 mile upstream of Maple Street About 0,7 mile downstream of 45th Street North Just downstream of 13th Street North Just downstream of Flidge Road About 1,0 mile upstream of Asth Street North Just downstream of 13th Street North Just do	**************************************
Maps available for	(T), Frankton, Madison County (Docket No. FEMA-5874). inspection at the Clerk's Office, Town Hall, (Uninc.), Sedgwick County	Pipe Creek	At the confluence of Lansing Ditch East Tribulary About 100 feet downstream of Katz Corner Road About 1,450 feet upstream of Katz Corner Road About 1,450 feet upstream of Katz Corner Road About 240 feet downstream of Conrall About 200 feet downstream of Washington Street About 100 feet upstream of Washington Street About 10,72 mile upstream of Washington Street About 0,72 mile upstream of Washington Street About 0,72 mile upstream of Washington Street About 5,65 mile upstream of Mouth Just downstream of Atchison, Topeka and Santa Fe Railway Just upstream of 91st Street South About .56 mile upstream of Woodlawn Avenue 0,5 mile downstream of 95th Street South At City of Haysville corporate limit. At City of Haysville corporate limit. At City of Wichtia corporate limit. About 150 feet upstream of Maple Street Just upstream of Maize Road Just downstream central Avenue Just downstream of 119th Street West Just downstream of Maize Road Just upstream of Maize Road About 1,0 mile upstream of 119th Street West. At confluence with Calfskin Creek. At confluence of Middle Fork Calfskin Creek. About 1.5 miles upstream of Maple Street About 1.7 mile upstream of Afficence with North Fork Calfskin Creek. Just upstream of 13th Street North Just downstream of 21st Street North Just downstream of 37sd Street North Just downstream of 37sd Street North Just downstream of 35rd Street North Just downstr	**************************************
Maps available for	(T), Frankton, Madison County (Docket No. FEMA-5874). inspection at the Clerk's Office, Town Hall, (Uninc.), Sedgwick County	Pipe Creek	At the confluence of Lansing Ditch East Tribulary About 100 feet downstream of Katz Corner Road About 1,450 feet upstream of Katz Corner Road About 1,450 feet upstream of Katz Corner Road About 240 feet downstream of Conrail About 200 feet downstream of Washington Street About 100 feet upstream of Washington Street About 100 feet upstream of Washington Street About 0.72 mile upstream of Washington Street About 0.72 mile upstream of Washington Street at 46044. 0.35 mile upstream of Mouth Just downstream of Atchison, Topeka and Santa Fe Railway Just upstream of 91st Street South About 56 mile upstream of Woodlawn Avenue 0.5 mile downstream of 95th Street South Just upstream of 95th Steeet South At City of Haysville corporate limit At City of Wichita corporate limit At City of Wichita corporate limit At Other of Wichita Corporate limit About 150 feet upstream of Maple Street Just downstream of 119th Street West Just downstream of 121st Street North Just downstream of Maize Road Just downstream of Maize Road Just upstream of Maize Road Just upstream of Maize Road Just upstream of Maize Road About 1.0 mile upstream of 119th Street West At confluence with Calfskin Creek. At confluence of Middle Fork Calfskin Creek. About 0.83 mile upstream of Maple Street About 1.5 miles upstream of Maple Street About 1.5 miles upstream of Maple Street About 0.83 mile upstream of Maple Street About 0.7 mile downstream of 45th Street North Just downstream of 53rd Street North Just downstream of 45th Street North Just downstream of 15th Street North Just downstrea	**************************************
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State

ity/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
	West Branch Chisholm Creek	Mouth at Chisholm Creek	*1,332
		Just upstream St. Louis-San Francisco Railway	*1,335
	Park City Tributary	2400 feet upstream of 77th Street North Just downstream of Maple Street	*1,343
		Just upstream of Maple Street	*1,343
		Just downstream of Hydraulic Avenue	*1,366
		Just upstream of Hydraulic Avenue	*1,370
	Tributary P2	About 0.13 mile upstream of Hydraulic Avenue	*1,374
	Hibutary PZ	Just upstream of Maple Street. About 0.23 mile upstream of Maple Steeet.	*1,343
	West Fork Chisholm Creek	About 2,400 feet upstream of confluence with Chisholm Creek	*1,352 *1,357
		Just upstream of 77th Street North	*1,364
	Middle Fork Chisholm Creek	Just upstream Atchison, Topeka and Santa Fe Railway	*1,232
		Just upstream of Hydraulic Avenue	*1,339
		Just upstream of 45th Street North	1,345
		Just upstream State Route 254 near Oliver Street	*1,348
	Tributary M1	Just upstream of Hydraulic Avenue	*1,341
		About 0.67 mile upstream of Hydraulic Avenue	*1,354
		Aboaut 0.5 mile downstream of 53rd Street North	*1,359
	East Fork Chisholm Creek	About 900 feet upstream of 53rd Street North	*1,373
		About 0.6 mile upstream Hillside Avenue	*1,339
		About 0.5 mile upstream from Oliver Street at corporate limits	*1,350
		Just downstream of Woodlawn Avenue	*1,357
		Just downstream of Missouri Pacific Railroad	1,368
		About 0.3 mile upstream of Rock Road.	*1,376 *1,379
		About 0.25 mile upstream of 53rd Street North	*1,402
	Tributary E1	At City of Wichita corporate limits	*1,334
		About 0.3 mile upstream of Hillside Avenue	*1,354
		About 0.35 mile upstream of Hillside Avenue	*1,359
	Tributary E3	About 1.2 miles upstream of Hillside Avenue	*1,374
		Just upstream of Missouri Pacific Railroad.	*1,341
		About 0.36 mile upstream of 37th Street North	*1,378
		About 0.4 mile upstream of 37th Street North	*1,384
		About 0.72 mile upstream of 37th Street North	*1,390
		About 0.75 mile upstream of 37th Street North	*1,396
	Tributary E5	At City of Wichita corporate limits	*1,408 *1,351
		About 300 feet downstream of Woodlawn Avenue	*1,356
	Tabutan F7	Just downstream of Woodlawn Avenue	*1,359
	Tributary E7	At the confluence with East Fork Chisholm Creek	*1,362
		About 100 feet downstream of Missouri Pacific Railroad Just upstream of Missouri Pacific Railroad	*1,367
		Just upstream of 45th Street North	*1,375 *1,396
	1010 2 10	About 1,300 feet upstream of 45th Street North	*1,408
	Middle Branch Gypsum Creek	Gity of Wichita corporate limits	*1,352
		Just downstream of St. Louis-San Francisco Railway	*1,366
		Just upstream of St. Louis-San Francisco Railway Just upstream of 21st Street North	*1,372
	Fourmile Creek	Just downstream of Harry Street	*1,378
		Just downstream of Kellood Avenue	*1,295
		Just downstream of Interstate 35	*1,312
		At confluence of West Fork Fourmile Creek	*1,321
		Just downstream of 13th Street North	1,331
		About 650 feet upstream of St. Louis-San Francisco Bailway	*1,340 *1,343
	Brookhaven Creek	About 660 feet downstream 159th Street Fast	*1,293
		Just downstream of Kellogg Avenue	*1,297
		Just upstream of Kellogg Ävenue Just downstream of Central Ävenue	*1,301
		Just upstream of Central Avenue	1,314
		ADOUT 150 feet upstream of Interstate 35	*1,325
	West Fork Fourmile Creek	Just downstream of 13th Street North	*1,331
	West Fork Fourthie Creek	About 1,200 feet upstream confluence with Fourmile Creek	*1,326
		About 1,450 feet upstream confluence with Fourmile Creek Just upstream of 127th Street East.	11,333
		Just upstream of St. Louis-San Francisco Railway	*1,344
	Series Donnet	About 0.5 mile upstream of St. Louis-San Francisco Railway	*1,354
	Spring Branch	Just upstream of 159th Street Fast	*1,289
		ADOUI 1,200 feet downstream of 143rd Street Fact	*1,294
		Just upstream of 127th Street East	1,319
		ADOUL 0.55 mile upstream of Greenwich Road	*1,333
	Tributary S1	At confluence with Spring Branch	*1,289
		About 0.6 mile upstream confluence with Spring Branch	*1,294
	Tributary S4	Just downstream of Pawnee Avenue	*1,309
		About 600 feet upstream confluence with Spring Branch About 0.2 mile downstream of Twin Lake Drive	*1,294
		Just upstream of 143rd Street Fast	1,302
		Just downstream of Interstate 35	*1,310 *1,323
		About 250 feet upstream of Garnett Avenue	*1,334
		About 0.4 mile upstream of Garnett Avenue	*1,341
			*1,343

Sand Sand				
State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation
				in feet (NGVD)
			Just upstream Meadowlark Road	*1.289
			About 2,100 feet upstream Meadowlark Road	*1,294
		Dry Creek Tributary	About 750 feet upstream Brook Forest Road	*1,283
			About 1,800 feet downstream Meadowlark Road	*1,293
		Arkansas River	Downstream county boundary	*1,223
			At City of Wichita corporate limits near Control Structure 4	*1,323
			About 0.75 mile downstream of northern City of Wichita corporate limits.	*1,330
		Wichita Valley Center Floodway		*1,270
			Downstream corporate limits of City of Wichita	*1,317
		Changeles Teleston 1	Upstream corporate limits of City of Wichita near U.S. Highway 235 About 1,300 feet downstream Tracy Avenue South	*1,324
		Clearwater Tributary 1	Just upstream Tracy Avenue South	*1,265
			About 630 feet upstream Ross Avenue	*1,269
Maps available for insp	section at the Sedgwick County Departm	nent of Public Works, 1015 Stillwell, V		
Maine	Casco, Town, Cumberland	Songo River	Confluence with Sebago Lake	*268
	County (Docket No. FEMA-		Confluence of Crooked River	*272
	5674).	Grooked River		*272
			Upstream side of Songo Locks Road	*274 *284
			Upstream side of U.S. Route 302	*291
		Sebago Lake		*268
Maps available at the ?	Town Office, Casco, Maine.	ocode taxeminiminiminiminiminiminiminiminiminimin		
Maine	Raymond, Town, Cumberland	Sebago Lake	Entire Shoreline within the Town of Raymond	*268
PORTU	County (Docket No. FEMA-	Panther Pond		*279
THE RESERVE	5874).	Cresent Lake	Entire Shoreline within the Town of Raymond	*279
Meps are available at t	the Raymond Town Offices, Raymond, N	Maine.		
Vichigan	Harrison (Township), Monroe	Clinton River	. Intersection of Clinton River and center of Interstate Highway 94	*581
-	County (FEMA-5874).	Clinton River Spillway	. Intersection of Clinton River Spillway and center of Interstate Highway	*580
Maps available for insp	pection at Township Hall, 38151L*Anse (94. Intersection of Conger Bay Drive and North River Road	*579
Michigan	(C), Rochester, Oakland County	Clinton River	About 150 feet downstream of downstream corporate limit	*711
	(Docket No. FEMA-5874).		Just upstream of Diversion Street	*730
			At the upstream corporate limit	*731
		Paint Creek		*718
			Just upstream of Second Street	*723 *742
			Just upstream of Rochester Road About 1,300 feet downstream of Ludlow Street	*757
			Just upstream of Ludiow Street	*763
			At the upstream corporate limit.	*770
		Sargent Creek		
				*765
		The state of the s	At the upstream corporate limit	*765 *775
			At the upstream corporate limit	*765 *775 *778
Mane swallahla for incre	ection of City Half 400 8th Street P.O.		At the upstream corporate limit. About 800 feet upstream of corporate limit. About 1,150 feet upstream of corporate limit.	*765 *775
	pection at City Half, 400 6th Street, P.O.	Box 10, Rochester, Michigan 48063	At the upstream corporate limit. About 800 feet upstream of corporate limit. About 1,150 feet upstream of corporate limit.	*765 *775 *778 *784
	(Twp.), Sumpter, Wayne County		At the upstream corporate limit. About 800 feet upstream of corporate limit. About 1,150 feet upstream of corporate limit. About 100 feet downstream Judd Road.	*765 *775 *778 *784
		Box 10, Rochester, Michigan 48063	Al the upstream corporate limit. About 800 feet upstream of corporate limit. About 1,150 feet upstream of corporate limit. About 100 feet downstream Judd Road. About 300 feet upstream Sumpter Road.	*765 *775 *778 *784 *646 *670
Michigan	(Twp.), Sumpter, Wayne County	Box 10, Rochester, Michigan 48063 North Branch Swan Creek	Al the upstream corporate limit. About 800 feet upstream of corporate limit. About 1,150 feet upstream of corporate limit. About 100 feet downstream Judd Road. About 300 feet upstream Sumpter Road. Just downstream Elwell Road.	*765 *775 *778 *784
Michigan Maps available for insp	(Twp.), Sumpter, Wayne County (Docket No. FEMA-5874). pection at Sumpter Township Hall, 2348	Box 10, Rochester, Michigan 48063 North Branch Swan Creek O Sumpter Road, Belleville, Michigan	At the upstream corporate limit. About 800 feet upstream of corporate limit. About 1,150 feet upstream of corporate limit. About 100 feet downstream Judd Road. About 300 feet upstream Sumpter Road. Just downstream Elwell Road.	*765 *775 *778 *784 *646 *670 *678
Michigan Maps available for insp	(Twp.), Sumpter, Wayne County (Docket No. FEMA-5874). Dection at Sumpter Township Hall, 2348	Box 10, Rochester, Michigan 48063 North Branch Swan Creek	At the upstream corporate limit. About 800 feet upstream of corporate limit. About 1,150 feet upstream of corporate limit. About 100 feet downstream Judd Road. About 300 feet upstream Sumpter Road. Just downstream Elwell Road. 48111. Downstream corporate limits.	*765 *775 *778 *784 *646 *670 *678
Michigan Maps available for insp	(Twp.), Sumpter, Wayne County (Docket No. FEMA-5874). pection at Sumpter Township Hall, 2348	Box 10, Rochester, Michigan 48063 North Branch Swan Creek O Sumpter Road, Belleville, Michigan	At the upstream corporate limit. About 800 feet upstream of corporate limit. About 1,150 feet upstream of corporate limit. About 100 feet downstream Judd Road. About 300 feet upstream Sumpter Road. Just downstream Elwell Road. 48111. Downstream corporate limits. Just downstream from dam.	*765 *775 *778 *784 *646 *670 *678
Michigan Maps available for insp	(Twp.), Sumpter, Wayne County (Docket No. FEMA-5874). pection at Sumpter Township Hall, 2348 (C), Hanover, Wright County (Docket No. FEMA-5874).	Box 10, Rochester, Michigan 48063 North Branch Swan Creek O Sumpter Road, Belleville, Michigan Crow River	At the upstream corporate limit. About 800 feet upstream of corporate limit. About 1,150 feet upstream of corporate limit. About 100 feet downstream Judd Road. About 300 feet upstream Sumpter Road. Just downstream Elwell Road. 48111. Downstream corporate limits. Just downstream from dam. Just downstream from County Highway 123. About 4,800 feet upstream of County Highway 123.	*765 *775 *778 *784 *646 *670 *678
Michigan Maps available for insp	(Twp.), Sumpter, Wayne County (Docket No. FEMA-5874). Dection at Sumpter Township Hall, 2348	Box 10, Rochester, Michigan 48063 North Branch Swan Creek O Sumpter Road, Belleville, Michigan Crow River	At the upstream corporate limit. About 800 feet upstream of corporate limit. About 1,150 feet upstream of corporate limit. About 100 feet downstream Judd Road. About 300 feet upstream Sumpter Road. Just downstream Elwell Road. 48111. Downstream corporate limits. Just downstream from dam. Just downstream from County Highway 123. About 4,800 feet upstream of County Highway 123.	*765 *775 *778 *784 *646 *670 *678 *891 *899 *902 *905
Maps available for insp Minnesota	(Twp.), Sumpter, Wayne County (Docket No. FEMA-5874). pection at Sumpter Township Hall, 2348. (C), Hanover, Wright County (Docket No. FEMA-5874). pection at City Hall, P.O. Box 406, 11256. (C), Hopkins, Hennepin County	Box 10, Rochester, Michigan 48063 North Branch Swan Creek O Sumpter Road, Belleville, Michigan Crow River	At the upstream corporate limit. About 800 feet upstream of corporate limit. About 1,150 feet upstream of corporate limit. About 100 feet downstream Judd Road. About 300 feet upstream Sumpter Road. Just downstream Elwell Road. 48111. Downstream corporate limits. Just downstream from dam. Just downstream from County Highway 123. About 4,800 feet upstream of County Highway 123. About 350 feet upstream of eastern corporate limits.	*765 *775 *778 *784 *646 *670 *678 *891 *899 *902
Maps available for insp Minnesota	(Twp.), Sumpter, Wayne County (Docket No. FEMA-5874). Dection at Sumpter Township Hall, 2348 (C), Hanover, Wright County (Docket No. FEMA-5874). Dection at City Hall, P.O. Box 406, 11250	Box 10, Rochester, Michigan 48063 North Branch Swan Creek	At the upstream corporate limit. About 800 feet upstream of corporate limit. About 1,150 feet upstream of corporate limit. About 100 feet downstream Judd Road. About 300 feet upstream Sumpter Road. Just downstream Elwell Road. 48111. Downstream corporate limits. Just downstream from dam. Just downstream from County Highway 123. About 4,800 feet upstream of County Highway 123.	*765 *775 *778 *784 *646 *670 *678 *891 *899 *902 *905
Maps available for insp Minnesota	(Twp.), Sumpter, Wayne County (Docket No. FEMA-5874). pection at Sumpter Township Hall, 2348. (C), Hanover, Wright County (Docket No. FEMA-5874). pection at City Hall, P.O. Box 406, 11256. (C), Hopkins, Hennepin County	Box 10, Rochester, Michigan 48063 North Branch Swan Creek	At the upstream corporate limit. About 800 feet upstream of corporate limit. About 1,150 feet upstream of corporate limit. About 1,150 feet upstream of corporate limit. About 100 feet downstream Judd Road. About 300 feet upstream Sumpter Road. Just downstream Elwell Road. 48111. Downstream corporate limits. Just downstream from dam. Just downstream from County Highway 123. About 4,800 feet upstream of County Highway 123. About 350 feet upstream of eastern corporate limits. Just downstream of East Lake Street. About 70 feet upstream of Blake Road. Just upstream of State Highway 7.	*765 *775 *778 *784 *646 *670 *678 *891 *899 *902 *905
Maps available for insp Minnesota Maps available for insp	(Twp.), Sumpter, Wayne County (Docket No. FEMA-5874). pection at Sumpter Township Hall, 2348. (C), Hanover, Wright County (Docket No. FEMA-5874). pection at City Hall, P.O. Box 406, 11256. (C), Hopkins, Hennepin County	Box 10, Rochester, Michigan 48063 North Branch Swan Creek	At the upstream corporate limit. About 800 feet upstream of corporate limit. About 1,150 feet upstream of corporate limit. About 100 feet downstream Judd Road. About 300 feet upstream Sumpter Road. Just downstream Elwell Road. 48111. Downstream corporate limits. Just downstream from dam. Just downstream from County Highway 123. About 4,800 feet upstream of County Highway 123. 5341. About 350 feet upstream of eastern corporate limits. Just downstream of East Lake Street. About 70 feet upstream of Blake Road. Just upstream of State Highway 7. About 2,940 feet downstream of County Road 73.	*765 *775 *778 *784 *646 *670 *678 *891 *899 *902 *905
Maps available for insp Minnesota	(Twp.), Sumpter, Wayne County (Docket No. FEMA-5874). pection at Sumpter Township Hall, 2348. (C), Hanover, Wright County (Docket No. FEMA-5874). pection at City Hall, P.O. Box 406, 11256. (C), Hopkins, Hennepin County	Box 10, Rochester, Michigan 48063 North Branch Swan Creek	At the upstream corporate limit. About 100 feet upstream of corporate limit. About 100 feet downstream Judd Road. About 300 feet upstream Sumpter Road. Just downstream Elwell Road. Downstream corporate limits. Just downstream from dam. Just downstream from County Highway 123. About 4,800 feet upstream of County Highway 123. About 350 feet upstream of County Highway 123. Just downstream of East Lake Street. About 70 feet upstream of Blake Road. Just upstream of State Highway 7. About 2,940 feet downstream of County Road 73. Just downstream of County Road 73.	*765 *775 *778 *784 *646 *670 *678 *891 *899 *902 *905 *900 *901 *904 *905 *910 *912
Maps available for insp Minnesota	(Twp.), Sumpter, Wayne County (Docket No. FEMA-5874). pection at Sumpter Township Hall, 2348. (C), Hanover, Wright County (Docket No. FEMA-5874). pection at City Hall, P.O. Box 406, 11256. (C), Hopkins, Hennepin County	Box 10, Rochester, Michigan 48063 North Branch Swan Creek	At the upstream corporate limit. About 800 feet upstream of corporate limit. About 1,150 feet upstream of corporate limit. About 1,150 feet upstream of corporate limit. About 300 feet upstream Sumpter Road. Just downstream Elwell Road. 48111. Downstream corporate limits. Just downstream from dam. Just downstream from County Highway 123. About 4,800 feet upstream of County Highway 123. About 350 feet upstream of County Highway 123. Just downstream of East Lake Street. About 70 feet upstream of Blake Road. Just upstream of State Highway 7. About 2,940 feet downstream of County Road 73. Just downstream of County Road 73. About 120 feet upstream of County Road 73. About 120 feet upstream of County Road 73. About 120 feet upstream of County Road 73.	*765 *775 *778 *784 *646 *670 *678 *891 *899 *902 *905 *901 *904 *905 *910 *912 *912 *914
Maps available for insp Minnesota Maps available for insp	(Twp.), Sumpter, Wayne County (Docket No. FEMA-5874). pection at Sumpter Township Hall, 2348. (C), Hanover, Wright County (Docket No. FEMA-5874). pection at City Hall, P.O. Box 406, 11256. (C), Hopkins, Hennepin County	Box 10, Rochester, Michigan 48063 North Branch Swan Creek	At the upstream corporate limit. About 800 feet upstream of corporate limit. About 1,150 feet upstream of corporate limit. About 100 feet downstream Judd Road. About 300 feet upstream Sumpter Road. Just downstream Elwell Road. 1 48111. Downstream corporate limits. Just downstream from dam. Just downstream from County Highway 123. About 4,800 feet upstream of County Highway 123. 5341. About 350 feet upstream of eastern corporate limits. Just downstream of East Lake Street. About 70 feet upstream of Blake Road. Just upstream of State Highway 7. About 2,940 feet downstream of County Road 73. Just downstream of County Road 73. About 120 feet upstream of County Road 73. At upstream corporate limits.	*765 *775 *778 *784 *646 *670 *678 *891 *899 *902 *905 *901 *904 *905 *910 *912 *914 *914
Maps available for insp Minnesota Maps available for insp	(Twp.), Sumpter, Wayne County (Docket No. FEMA-5874). pection at Sumpter Township Hall, 2348. (C), Hanover, Wright County (Docket No. FEMA-5874). pection at City Hall, P.O. Box 406, 11256. (C), Hopkins, Hennepin County	Box 10, Rochester, Michigan 48063 North Branch Swan Creek	At the upstream corporate limit. About 100 feet upstream of corporate limit. About 100 feet downstream Judd Road. About 300 feet upstream Sumpter Road. Just downstream Elwell Road. 1 48111. Downstream corporate limits. Just downstream from dam. Just downstream from County Highway 123. About 4,800 feet upstream of County Highway 123. About 4,800 feet upstream of County Highway 123. About 350 feet upstream of East Lake Street. About 70 feet upstream of Blake Road. Just downstream of State Highway 7. About 2,940 feet downstream of County Road 73. Just downstream of County Road 73. Ab upstream of County Road 73. At upstream of County Road 73. At upstream corporate limits. About 300 feet upstream of County Road 73. At upstream corporate limits. About 300 feet upstream of County Road 73. About 300 feet upstream of County Road 73.	*765 *775 *778 *784 *646 *670 *678 *891 *899 *902 *905 *901 *904 *905 *910 *912 *912 *914
Maps available for insp Minnesota	(Twp.), Sumpter, Wayne County (Docket No. FEMA-5874). pection at Sumpter Township Hall, 2348. (C), Hanover, Wright County (Docket No. FEMA-5874). pection at City Hall, P.O. Box 406, 11256. (C), Hopkins, Hennepin County	Box 10, Rochester, Michigan 48063 North Branch Swan Creek	At the upstream corporate limit. About 800 feet upstream of corporate limit. About 1,150 feet upstream of corporate limit. About 1,150 feet upstream of corporate limit. About 100 feet downstream Judd Road. About 300 feet upstream Sumpter Road. Just downstream Elwell Road. 48111. Downstream corporate limits. Just downstream from dam. Just downstream from County Highway 123. About 4,800 feet upstream of County Highway 123. About 350 feet upstream of County Highway 123. Just downstream of East Lake Street. About 70 feet upstream of Blake Road. Just upstream of State Highway 7. About 2,940 feet downstream of County Road 73. Just downstream of County Road 73. About 120 feet upstream of County Road 73. At upstream corporate limits. About 300 feet upstream of the downstream corporate limits. About 120 feet downstream of 7th Street.	*765 *775 *778 *784 *646 *670 *678 *891 *899 *902 *905 *900 *901 *904 *905 *910 *912 *914 *914 *914 *878
Michigan Maps available for insp	(Twp.), Sumpter, Wayne County (Docket No. FEMA-5874). pection at Sumpter Township Hall, 2348. (C), Hanover, Wright County (Docket No. FEMA-5874). pection at City Hall, P.O. Box 406, 11256. (C), Hopkins, Hennepin County	Box 10, Rochester, Michigan 48063 North Branch Swan Creek	At the upstream corporate limit. About 100 feet upstream of corporate limit. About 100 feet downstream Judd Road. About 300 feet upstream Sumpter Road. Just downstream Elwell Road. 1 48111. Downstream corporate limits. Just downstream from dam. Just downstream from County Highway 123. About 4,800 feet upstream of County Highway 123. About 4,800 feet upstream of County Highway 123. About 350 feet upstream of East Lake Street. About 70 feet upstream of Blake Road. Just downstream of State Highway 7. About 2,940 feet downstream of County Road 73. Just downstream of County Road 73. Ab upstream of County Road 73. At upstream of County Road 73. At upstream corporate limits. About 300 feet upstream of County Road 73. At upstream corporate limits. About 300 feet upstream of County Road 73. About 300 feet upstream of County Road 73.	*765 *775 *778 *784 *646 *670 *678 *899 *902 *905 *901 *904 *905 *910 *912 *914 *914 *878 *885

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			About 40 feet downstream of the Chicago and North Western Rail- road.	*900
Mans available for inspection at	the Office of the City Clerk Cl	y Hall, 1010 S. First Street, Hopkins	About 80 feet upstream of the Chicago and North Western Railroad Just downstream of Excelsior Boulevard	*905 *905
Minnesota (C) Maps available for inspection at	Docket No. FEMA-5828).		At downstream corporate limits	*1,041 *1,055
Minnesota(C)	Peterson, Fillmore County Docket No. FEMA-5841).	Root River	About 20 feet downstream of Mill Street (State Highway 25)	*747 *749 *750
Maps available for inspection at	the City Hall, Peterson, Minnes	ota 55962.	Approximately 450 feet upstream of Southeastern corporate limits	*752
	The state of the s			10000
Missouri (C).	Docket No. FEMA-5874).	Poplar Bluff to Corning Landward Right Overbank Floodway.	Just north of Hart Street and 800 feet west of Old Highway 67	*302
			About 900 feet south of Hart Street to about 0.5 mile north of County Highway 270, About 0.5 mile north of County Highway 270 south to 700 feet north	*301
			of Highway 270.	*300
			Between Circle Drive and southern corporate limits Between Marlèr Street and County Highway 268.	*300
			Just east of County Highway 271 at southern corporate limits	*300
			East of Missouri Pacific Railroad and north of Owen Street	*302
Maps available for inspection at t	he City Hall, P.O. Box 66, Neel	yville, Missouri 63954.	East of Missouri Pacific Railroad and south of Owen Street	*301
//issouri(C),		The second second	Parlimeters 4 1 2	
Ň	o. FEMA-5874).		Downstream corporate limits	*516
		Buchanan Creek	About 665 feet downstream of Lincoln Drive	*498
			About 740 feet upstream of Lincoln Drive. Just downstream of Old Moscow Mill Road	*504 *513
			About 480 feet upstream of Old Moscow Mill Road	*517
		Town Branch Creek	About 2,280 feet upstream of Main Street	*541
		TOTAL STORY OF CONTROL	About 500 feet downstream of U.S. Highway 61	*474
			About 350 feet upstream of U.S. Highway 61	*485
			Just upstream of State Highway 47. Just downstream of East Cherry Street.	*491
			Just upstream of Lincoln Drive	*492
			About 350 feet upstream of abandoned bridge About 2,000 feet upstream of abandoned bridge	*508
Maps available for inspection at the	ne City Hall, 451 Main Street, 7	Troy, Missouri 63379.		021
New Hampshire Swi	anzey, Town, Cheshire County Docket No. FEMA-5725).	Ashuelot River	Slate Street	*454
	2000011017 201201201		Main Street	*458
			Upstream Boston & Maine Railroad	*469
		South Branch Ashuelot River	Upstream Corporate Limits	*471
		Court Cristian Francisco Fields	Carlton Road	*470
			Webber Hill Road	*487
			2,500' downstream Old Richmond Road	*496
			1,400' downstream Old Richmond Road	*514
			Upstream Old Richmond Road	*541
			Upstream Old Richmond Road	*560
			Upstream Old Richmond Road	
			Upstream Old Richmond Road	*560 *581 *593 *598
			Upstream Old Richmond Road	*560 *581 *593
Maps available at the Town Hall,			Upstream Old Richmond Road. 4,000' upstream Old Richmond Road. 3,000' downstream Private Road. 1,000' downstream Private Road. Downstream Private Road. 1,500' upstream Private Road. Upstream Corporate Limits.	*560 *581 *593 *598 *620
New Jersey Parl	Swanzey, New Hampshire. R Ridge (Borough), Bergen ounty, FEMA-5825.	Bear Brook	Upstream Old Richmond Road. 4,000' upstream Old Richmond Road. 3,000' downstream Private Road. 1,000' downstream Private Road. Downstream Private Road. Upstream Private Road. Upstream Corporate Limits. Intersection of Bear Brook and center of Glen Road. 40 feet downstream from intersection of Bear Brook and Glen Brook Drive.	*560 *581 *593 *598 *620 *639 *132 *268
New Jersey Parl	x Ridge (Borough), Bergen	Bear Brook	Upstream Old Richmond Road. 4,000' upstream Old Richmond Road. 3,000' downstream Private Road. 1,000' downstream Private Road. Downstream Private Road. Upstream Private Road. Upstream Corporate Limits. Intersection of Bear Brook and center of Glen Road. 40 feet downstream from intersection of Bear Brook and Glen Brook	*560 *581 *593 *598 *620 *639
New Jersey Parl	x Ridge (Borough), Bergen		Upstream Old Richmond Road. 4,000' upstream Old Richmond Road. 3,000' downstream Private Road. 1,000' downstream Private Road. Downstream Private Road. Upstream Private Road. Upstream Corporate Limits. Intersection of Bear Brook and center of Glen Road. 40 feet downstream from intersection of Bear Brook and Glen Brook Drive. Intersection of Echo Glen Brook and center of Albernon Drive. 40 feet downstream from intersection of Echo Glen Brook and center of Grand Avenue. Intersection of Mill Brook and center of Pascack Road.	*560 *581 *593 *598 *620 *639 *132 *268 *241 *261 *136
New Jersey Parl	x Ridge (Borough), Bergen	Echo Glen Brook	Upstream Old Richmond Road	*560 *581 *593 *598 *620 *639 *132 *268 *241 *261
New Jersey Parl	x Ridge (Borough), Bergen	Echo Glen Brook	Upstream Old Richmond Road. 4,000' upstream Old Richmond Road. 3,000' downstream Private Road. 1,000' downstream Private Road. 1,000' downstream Private Road. 1,600' upstream Private Road. Upstream Corporate Limits. Intersection of Bear Brook and center of Glen Road. 40 feet downstream from intersection of Bear Brook and Glen Brook Drive. Intersection of Echo Glen Brook and center of Albernon Drive. 40 feet downstream from intersection of Echo Glen Brook and center of Grand Avenue. Intersection of Mill Brook and center of Pascack Road. 80 feet upstream from intersection of Mill Brook and the center of Fifth Street.	*560 *581 *593 *598 *620 *639 *132 *268 *241 *261 *136 *189

State	City/town/county	Source of flooding	Location	#Depth i feet above ground. *Elevation in feet (NGVD)
		Pascack Brook	Park Avenue.	*15
Maps available for inst	pection at Municipal Building, 55 Park Ave	nue, Park Ridge, New Jersey	Intersection of Pascack Brook and Electric Lake Dam	*15
		3 10 3535		-
th Carolina	Cabarrus County, Unincorporated	Anderson Creek		*49
	Areas (FEMA-5813).		100 feet upstream from center of Troutman Road	*5
		Back Creek	Intersection of creek and center of North Carolina State Route 1158	*5
		200 02 00	100 feet downstream from center of Stallings Road	*55
		Caldwell Creek	100 feet upstream from center of Pine Grove Church Road	*58
			1134.	
		Chambers Branch		*6
			100 feet upstream from Lake Concord Dam	*66
		Coddle Creek	100 feet upstream from center of Southern Railway	*5
			100 feet upstream from center of U.S. Highway 29	*58
			100 feet upstream from center of North Carolina Highway 73	*61
		Cold Water Creek		*5
			100 feet upstream from center of North Carolina Highway 49	*54
		Common Ford Branch	100 feet upstream from Lake Fisher Dam	*66
		COMMON TONG DEGLET	100 feet upstream from upstream crossing of Penninger Road	*6
		Davis Branch	At confluence with Rocky River	*5
	The Paris of the P	Dutch Ruttale Crock	100 feet downstream from center of North Carolina Highway 49	*5
			At confluence with Irish Buffalo Creek	*6
		Hamby Branch	Intersection of creek and North Carolina Highway 200	*5
		Hamby Branch Tributary	At confluence with Hamby Branch	*5
		Horse Branch	Intersection of branch and Parks Lafferty Road	
		THE TOTAL STREET	50 feet upstream from center of Bethel Church Road	*5
		Irish Buffalo Creek		*5
			100 feet upstream from center of North Carolina Highway 49	*5
			100 feet upstream from center of Rainbow Drive	*6
		Little Cold Water Creek	100 feet upstream from center of Old Airport Road	
			100 feet upstream from center of North Carolina Highway 73	*5
		Little Meadow Creek	100 feet upstream from center of Sapp Road	*4
			Intersection of creek and center of State Route 1300	*5
			At confluence with Rocky River	
		Muddy Branch	100 feet upstream from center of Old Farm Road	
		Overcash Branch	At confluence with Irish Buffalo Creek	*5
		Patterson Branch	100 feet upstream from center of Stepleton Drive	
		Boody Crook	100 feet upstream from center of Central Drive	
		Rocky River		*4
			100 feet downstream from center of North Carolina Highway 27	*4
			100 feet upstream from center of North Carolina State Route 1006 100 feet upstream from center of North Carolina State Route 1132	*6
			100 feet downstream from center of North Carolina State Route	
			1158.	
		Rogers Lake Branch	At confluence with Mallard Creek	*6
		riogera Lake dianon	100 feet upstream from center of Rogers Lake Road	*7
A A C TO LOCAL TO		Shinn Branch	Intersection of River and center of Reed Mine Road	*5
		Threemile Branch	50 feet upstream from center of North Carolina Highway 200	*6
		Tucker Branch	At confluence with Anderson Creek	. 12
			Intersection of branch and North Carolina Highway 200	*6
Maps available for ins	spection at Cabarrus County Courthouse,	77 Union Street, Concord, North	Carolina	
h Garolina		Roanoke River	Just upstream of the Seaboard Coastline RR	1
	County (FEMA-5853).		Just upstream of I-95	
			Roanoke Rapids Lake	7,5
			Lake Gaston	**
		Conoconnara Swamp		
		cualine) week	Just downstream of State Road 1627	* *
		Little Quankey Creek	Just upstream of State Route 1600	11
		Fishing Creek	Just downstream of U.S. Highway 301	
		, larning Colonian	Just upstream of State Route 1222	. 11
		2 2 2	Just downstream of I-95	- 1
		Deep Creek		
		Little Fishing Creek	Just downstream of State Road 1345	**
			Just upstream of State Road 1002	*1
		Beech Swamp		

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Marin Control		Marsh Swamp	Just downstream of NC 561	*105
Maps available for inspection	at County Courthouse, King Street	, Halifax, North Carolina 27839.	Just upstream of Interstate 95	*130
North Dakota	Casselton (City), Cass County	Tributary to Swan Creek	Intersection of Third Street North and Twelfth Avenue North	*933
	(FEMA-5875).	Diversion.	Intersection of Ninth Avenue North and Second Street North	#1
		Swan Creek Diversion	Northwest corner of intersection of First Street South and Third Avenue South. Intersection of Diversion and County Route 637	*938
Maps available for inspection	at City Auditor's Office, Box 548,	Casselton, North Dakota.	mercecular of precion and sound note 63/	041
Oregon	Barlow (City), Clackamass County (FEMA-5875).	Pudding River	At western most corporate limits (approximately 1,200 feet west of South Barlow Road) 150 feet north of Fred Anderson Road.	*95
			. 100 feet west of the intersection of Railroad Drive and the northern corporate limits.	*97
Maps available for inspection	at 103 South Main Street, Barlow,	Oregon.		THE WATER
Tennessee	City of Union City, Obion County (FEMA-5835).	Hoosier Creek	Just upstream of Main Street (State Highway 5)	*315
A STATE OF THE PARTY OF			Just downstream of Cheatham Street	*326
		Grove Creek	Approximately 60 feet downstream of Reelfort Ave. (State Highway 22).	*314
Mone available for inequations	at City Hall, 408 South Depot Stre		Just downstream of Main Street (State Highway 5)	*319
No of the second		et, Official City, Termiossee 30201.		
Texas	City of Athens, Henderson County (FEMA-5853).	One Mile Creek	Approximately 120 feet upstream of State Highway 19	*435
		Walnut Creek	Just upstream of Valle Vista Drive	*426
		Coon Creek	Just downstream of Cardinal Drive (upstream crossing)	*453
			Approximately 80 feet upstream of the corporate limits	*452
		Coon Creek South Tributary	Just upstream of Farm to Market 1615	*457 *459
Maps available for inspection	at City Hall, 501 Pinkerton, Athens	Texas 75771.		
Texas	City of Bonham, Fannin County (FEMA-5853).	Pig Branch	Just upstream of Pecan Street	*574
	(FENO)-3033).	Powder Creek	Just upstream of Maple Street	*599 *562
			Just downstream of Old Extor Road	*582 *585
		Tributary of Bois D'Arc Creek		*571
			Just upstream of Robinson Street	*586
Maps available for inspection	at City Half, 301 East 5th, Bonham	Bois D'Arc Creek, Texas 75418.	Intersection of eastern corporate limits and the Texas Pacific Railway.	*553
Texas	City of DeSoto, Dallas County	Teomile Creek	Just upstream of Beckley Avenue	*532
	(FEMA-5841).	Stream 3A8	Just upstream of Pleasant Run Road	*555 *532
	The state of the s	Stream 3A10	Creek). Just upstream Unnamed Road Extended (Approximately 1,400 feet downstream of Pleasant Run Road).	*640
		Stream 3A13	Just upstream of Cottonwood Drive	*567 *590
			Just upstream of Wintergreen Road	'598
		Spring Creek	Just downstream of Beltline Road	*588
			Just upstream of Beitline Road	*602
			The state of the s	
		Heath Creek	Just upstream of Chatty Road	*559
		Heath Creek	Just upstream of Hampton Road	*580
		Heath Creek	Just upstream of Hampton Road	*580 *602
		Stream 3A15Stream 3A21	Just upstream of Hampton Road. Just upstream of Young Street Just upstream of Beltline Road. Approximately 150 feet downstream of Westmand Road.	*580 *602 *614
		Stream 3A15	Just upstream of Hampton Road	*580 *602
		Stream 3A15 Stream 3A21 Stream 3A22	Just upstream of Hampton Road. Just upstream of Young Street Just upstream of Beltline Road. Approximately 150 feet downstream of Westmoreland Road. Just downstream of Danieldale Drive. Just upstream of Danieldale Drive.	*580 *602 *614 *630 *619 *627
		Stream 3A15	Just upstream of Hampton Road. Just upstream of Young Street Just upstream of Beltline Road. Approximately 150 feet downstream of Westmoreland Road Just downstream of Danieldale Drive Just upstream of Danieldale Drive Just upstream of Cockrell Hill Road Just upstream of Plessent Run Road	*580 *602 *614 *630 *619 *627 *604
Maps available for inspection	at City Hall. 119 South Hamoton D	Stream 3A15	Just upstream of Hampton Road. Just upstream of Young Street Just upstream of Beltline Road. Approximately 150 feet downstream of Westmoreland Road. Just downstream of Danieldale Drive. Just upstream of Danieldale Drive.	*580 *602 *614 *630 *619 *627
Town	, at City Hall, 119 South Hampton R	Stream 3A15 Stream 3A21 Stream 3A22 Bee Branch Stewart Branch oad, DeSoto, Texas 75115.	Just upstream of Hampton Road. Just upstream of Young Street Just upstream of Beltline Road. Approximately 150 feet downstream of Westmoreland Road Just downstream of Danieldale Drive Just upstream of Danieldale Drive Just upstream of Cockrell Hill Road Just upstream of Plessent Run Road	*580 *602 *614 *630 *619 *627 *604 *620
Tour	City of Lyford, Willacy County	Stream 3A15	Just upstream of Hampton Road. Just upstream of Young Street Just upstream of Beltline Road. Approximately 150 feet downstream of Westmoreland Road. Just downstream of Danieldale Drive Just upstream of Danieldale Drive Just upstream of Cockrell Hill Road. Just upstream of Pleasant Run Road. Just Downstream of Duncanville Road. Just Downstream of Duncanville Road.	*580 *602 *614 *630 *619 *627 *604 *620 *633
Town		Stream 3A15 Stream 3A21 Stream 3A22 Bee Branch Stewart Branch oad, DeSoto, Texas 75115.	Just upstream of Hampton Road. Just upstream of Young Street. Just upstream of Beitline Road. Approximately 150 feet downstream of Westmoreland Road. Just downstream of Danieldale Drive. Just upstream of Cockrell Hill Road. Just upstream of Cockrell Hill Road. Just upstream of Pleasent Run Road. Just Downstream of Duncanville Road. Intersection of Ninth Street and Oleander Avenue. Intersection of Fourth Street and Oleander Avenue.	*580 *602 *614 *630 *619 *627 *604 *620 *633
Town	City of Lyford, Willacy County	Stream 3A15 Stream 3A21 Stream 3A22 Bee Branch Stewart Branch oad, DeSoto, Texas 75115.	Just upstream of Hampton Road. Just upstream of Young Street Just upstream of Beltline Road. Approximately 150 feet downstream of Westmoreland Road. Just downstream of Danieldale Drive Just upstream of Danieldale Drive Just upstream of Cockrell Hill Road. Just upstream of Pleasant Run Road. Just Downstream of Duncanville Road. Just Downstream of Duncanville Road.	*580 *602 *614 *630 *619 *627 *604 *620 *633

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Texas	City of Raymondville, Willacy County (FEMA-5853).	Shallow Flooding (Ponding)	Intersection of San Francisco Avenue and 1st Street	*33
Maps available for insp	ection at City Hall, 523 West Hidalgo A	venue, Raymondville, Texas 78580.	Intersection of Sunset Avenue and 7th Street	*33
Texas	City of San Benito, Cameron	Shallow Flooding (Ponding)	South of intersection of U.S. Business Route 448 and McCulloch	*33
	County (FEMA-5853).		Intersection of Eighth and Alamo Extended	*35
Maps available for insp	ection at City Hall, 485 North Sam Hou	ston, San Benito, Texas 78586.	South of intersection of Stokey Road and Missouri Pacific Railroad	*33
Texas	City of San Perlita, Wallacy	Shallow Flooding (Ponding)		*21
Maps available for insp	County (FEMA-5853). ection at City Hall, San Perlita, Texas 7	8590.	Intersection of Sunset Bivd. and 3rd Avenue	*21
Texas	City of Santa Rosa, Cameron		At the intersection of Second Street and San Antonio Avenue	*52
	County (FEMA-5853).	Ponding Area No. 3	. At the intersection of San Benito Avenue and Seventh Street	*50 *49 *50
Maps available for insp	ection at City Hall, Main Street, Santa F	Rosa, Texas 78593.	along Cameron Avenue.	
Texas	City of Sweetwater, Nolan Count	v Wolf Hollow.	Just downstream of Crane Street	*2.092
	(FEMA-5853).		Just upstream of Crane Street.	*2,099
			Just upstream of 12th Street	*2,105 *2,118
		Town Creek	Just upstream of Alabama Avenue	*2,096 *2,100
Maps available for insp	ection at City Hall, 201 East 4th, Sweet	water, Texas 79556.		2,100
Vermont	Town of Jamaica, Windham	West River		*539
	County (Docket No. FEMA- 5723).		Centerline of State Highway 100 (downstream crossing)	*551 *568
	3720).		Centerline of State Highways 30 and 100	*584
			3,440' upstream of State Highways 30 and 100.	*610
			3,360' downstream of confluence of Ball Mountain Brook	*634 *658
		Wardsboro Brook		*548
			Downstream of Private Road (downstream crossing) Upstream of Private Road (upstream crossing)	*556 *560
			4,810' downstream of State Highway 100 (downstream crossing)	*577
			2,465' downstream of State Highway 100 (downstream crossing)	*629
			1,862' downstream of State Highway (downstream crossing)	*643 *679
			900' upstream of State Highway 100 (downstream crossing)	*696
			2,200' upstream of State Highway 100 (downstream crossing)	*719 *767
			7,261' upstream of State Highway 100 (downstream crossing)	*803
			1,860' downstream of State Highway 100 (upstream crossing)	*869
			410' downstream of State Highway 100 (upstream crossing)	*902 *921
		Winhalf River	Corporate Limits (downstream)	*1,052
			Centerline of Town Highway No. 8	*1,062 *1,085
			1,500' downstream of State Highway 100	*1,110
			Centerline of State Highway 100	*1,136
			1,170' downstream of State Highway 30 (downstream crossing) Downstream of State Highway 30 (downstream crossing)	*1,150
			The state of the s	*1,166
			Upstream of State Highway 30 (downstream crossing)	*1,173
			Centerline of State Highway 30 (upstream crossing)	*1,218
			500' downstream of County Boundary	*1,246
		Ball Mountain Brook		*1,251 *657
			765' upstream of confluence with West River	*675
			Centerline of Back Street	*692
			Centerline of State Highways 100 and 30	*730
			1,690' upstream of State Highways 30 and 100	*765
			1,340' downstream of State Aid Highway No. 1 (downstream crossing)	*799 *834
			Centerline of State Aid Highway No. 1 (downstream crossing)	70.09
			Centerline of State Aid Highway No. 1 (downstream crossing)	*870
		A CONTRACTOR OF	1,680' upstream of State Aid Highway No. 1 (upstream crossing)	*870 *910
			1,880 upstream of State Aid Highway No. 1 (upstream crossing)	*870
			1,680' upstream of State Aid Highway No. 1 (upstream crossing)	*870 *910 *940

State	City/town/county	Source of flooding	Location	#Depth feet abor ground *Elevation
				in feet (NGVD
ashington	Cle Elum (City) Kittitas County		Intersection of Fourth Street and Lincoln Street	*1,91
	(FEMA-5824).		30 feet upstream from center of West Second Street/State Highway 903.	*1,92
Maps available for inspe	ction at City Hall, 301 Pennsylvania Av	enue, Cle Elum, Washington,		1
shington	Ellensburg (City), Kittitas County (FEMA-5824).		100 feet upstream from center of Private Road, east of Interstate Highway 90.	*1,483
		Recort Creek Wilson Creek	Eastern most end of Industrial Way	*1.0
		Currier Creek	1,100 feet south of intersection of Cascade Way, Extension and Do- larway Road.	*2.0
		Whiskey Creek	200 feet upstream from intersection of creek and Fifth Avenue	*1,50
		Mercer Creek	100 feet upstream from center of Railroad Avenue	*1,506
Maps available for inspe-	ction at City Hall, 420 North Pearl, Eller	nsburg, Washington.		
shington	Kittitas County, Unincorporated	Yakima River	Confluence with Wilson Creek	*1,42
	Areas (FEMA-5815).		Intersection of Damman Road and Schaake Road	1,500
			75 feet upstream from center of Thorp Highway	*1,53
			Paul and Pacific Railroad.	
			Intersection of Thorp Highway and Dudley Road Fork in McDonald Road	*1,67
			100 feet upstream from center of Chicago, Milwaukee, St. Paul and	*1,95
			Pacific Railroad; near confluence with Cle Elum River.	
			100 feet upsteam from confluence with Big Creek	*2,06
			75 feet upstream from center of Cabin Creek Road	*2,20
			Area bounded by State Route 10, Cle Elum Airport Road and U.S. Highway 97.	#
			Areas east of Intersection of U.S. Highway 97 and Lambert Road	#
		Kachess River	350 feet downstream from center of Kachess Dam	*2.19
			Area approximately 400 feet north of Kachess River crossing of Inter- state Highway 90.	#
		Silver Creek	40 feet upstream from center of weetbound land, Interstate Highway 90.	*2,16
			20 feet upstream from center of Sparks Road	*2,17
		Cle Elum River	25 feet upstream from center of County Road	*2,23
			40 feet upstream from center of Old Bull Frog Road	*1,99
			100 feet downstream from center of Abandoned Bridge, downstream of Cle Elum Lake Dam.	*2,11
		Manastash Creek	40 feet upstream from center of Manastash Road	*2,07
			120 feet upstream from center of South Riggs Canyon Road	*2,17
THE YEAR OF THE PARTY OF THE PA			Area from approximately 2,600 feet upstream from Cove Road cross- ing of Manastash Creek to the South Branch canal confluence with	*#3
			Manastash Creek. Area at the intersection of Cove Road and Hanson and Manastash	#:
		Crystal Creek	Road.	
		Naneum Creek	110 feet upstream from Cle Elum corporate limit, northwest corner 120 feet upstream from center of Interstate Highway 82, most down- stream crossing.	*1,98
			160 feet upstream from center of Interstate Highhway 82, most upstream crossing.	*1,45
		Left Channel, Naneum Creek	20 feet downstream from center of Wilson Creek Road	*1,46
		Wilson Creek	80 feet downstream from center of U.S. Highway 97	1,42
			Intersection of creek and center of Thrall Fload	1,425
		Dight Channel William Cont.	Intersection of Creek and center of Berry Road	*1,475
		Right Channel, Wilson Creek	25 feet downstream from center of U.S. Highway 97 (Canyon Road) Intersection of Creek and center of Damman Road	1,472
			Area approximately 1300 feet northeast of intersection of Anderson and Damman Roads.	#1,430
			Area approximately 200 feet north of confluence of Right Channel Wilson Creek with Mercer Creek.	#1
		Reecer Creek	75 feet downstream from center of Burlington Northern Railroad	*1,544
	and the second		Area between Interstate Highway 90 and Dollarway Road	*1,563
		Currier Creek	Area north of intersection of Dollarway Road and Potts Road	#2
			20 feet upstream from center of Burlington Northern Railroad	*1,542
		Whiskey Creek	Area south of Currier Creek crossing of Cascade Way	#2
		Whiskey Creek	Area just south of an unnamed road, which is located southeast of the intersection of Dry Creek Road and Reecer Creek Road.	*1,546
		Maria	Area between the Town Canal and Cascade Canal	#1
		Mercer Creek	100 feet upstream from center of Anderson Road	*1,497
			Area extending east and west of the intersection of Bender Road and North Walnut Street.	#1
			Area approximately 700 feet east of intersection Water Street and B	#2
			Street.	

82944

Final Base (100-Year) Flood Elevations-Continued

State	City/town/county	Source of flooding	Location	#Depth feet above ground *Elevation in feet (NGVD)
		Caribou Creek	15 feet upstream from center of Chicago, Milwaukee, St. Paul and Pa- cific Railroad.	*1,64
			Area at intersection of Tjossem Road and Denmark Road	#
			Area at Caribou Creek crossing of Ferguson Road	+
		Teanaway River:		*1,8
			Confluence with Mason Creek	12,0
			Confluence with Story Creek	12,1
			Area between U.S. Highway 97 and Masterson Road, west of the crossing of Teanaway River.	
		North Fork, Teanaway River		.5'5
			130 feet upstream from center of North Fork Teanaway Road	*2,3
		Matte Cod Topposite Co.	25 feet downstream from confluence with Rye Creek	*2.5
		Middle Fork, Teanaway Hiver	120 feet upstream from center of West Folk Teanaway Road	*2,2
		Wood Fork Toppaway Divor	100 feet upstream from center of Camp Illahee Road	12.2
		West Fork, Tediaway Five	75 feet upstream from confluence of river with Sandstone Creek	*2.5
		Cooke Creek	Area at Cooke Creek crossing of Chicago, Milwaukee, St. Paul and Pacific Railroad.	
			Area west of intersection of H Clerf Road and No. 81 Road	
			Area north of Cooke Creek crossing of Tjossem Road	
			Area at Cooke Creek crossing of Ferguson Road	
		Coleman Creek	Area between Chicago, Milwaukee, St. Paul and Pacific Railroad and	
Maps available for inspir	ection at 5th & Main, Ellensburg, Wash		Kitilas Highway.	
	ection at 5th & Main, Ellensburg, Wash	hington.		
		hington.	Kittitas Highway. Intersection of River and South West 43rd Street	
	Renton (City), King County	nington. Green River	Kittitas Highway. Intersection of River and South West 43rd Street	
	Renton (City), King County	Green River	Kittitas Highway. Intersection of River and South West 43rd Street	
	Renton (City), King County	Green River	Intersection of River and South West 43rd Street	
	Renton (City), King County	Green River	Intersection of River and South West 43rd Street	
shington	Renton (City), King County	Green River	Intersection of River and South West 43rd Street	
shington	Renton (City), King County (FEMA-5873).	Green River	Intersection of River and South West 43rd Street	
shington	Renton (City), King County (FEMA-5873). ection at 200 Mill Avenue, South, Ren South Cie Etum (City) Kittitas	Green River	Intersection of River and South West 43rd Street	
Maps available for inspi	Renton (City), King County (FEMA-5873). ection at 200 Mill Avenue, South, Ren South Cle Elum (City) Kittias County (FEMA-5824).	Springbrook Creek Black River Yakima River Be Elum, Washington. Pacific Ocean.	Kititias Highway. Intersection of River and South West 43rd Street	11,9
Maps available for inspi	ection at 200 Mill Avenue, South, Ren South Cle Elum (City) Kittlas County (FEMA-5824). ection at City Hall, 6th Street, South C	Green River	Lintersection of River and South West 43rd Street	*1,9
Maps available for inspi	ection at 200 Mill Avenue, South, Ren South Cle Elum (City) Kittlas County (FEMA-5824). ection at City Hall, 6th Street, South C	Green River	Intersection of River and South West 43rd Street	11,9
Maps available for inspi	ection at 200 Mill Avenue, South, Ren South Cle Elum (City) Kittlas County (FEMA-5824). ection at City Hall, 6th Street, South C	Green River	Kititias Highway. Intersection of River and South West 43rd Street	11,9
Maps available for inspi	ection at 200 Mill Avenue, South, Ren South Cle Elum (City) Kittlas County (FEMA-5824). ection at City Hall, 6th Street, South C	Green River	Kititias Highway. Intersection of River and South West 43rd Street. 100 feet upstream of intersection of River and Houser Way North. 75 feet upstream of intersection of river and the second crossing of the Chicago, Milwaukee, St. Paul, and Pacific Railroad. 25 feet downstream of intersection of creek and Interstate Highway 405. Intersection of creek and downstream crossing of northeast 31st Street. Intersection of creek and southwest Grady Way. 25 feet upstream of intersection of River and P-1 Pumping Station Intersection of Washington Street and Fifth Street. Along Western Coastline Along the northern corporate limits. At the intersection of Pacific Avenue and the Levee. At the intersection of Spokane Avenue and Montseano Street	11,9
Maps available for inspi	ection at 200 Mill Avenue, South, Ren South Cle Elum (City) Kittlas County (FEMA-5824). ection at City Hall, 6th Street, South C	Green River	Intersection of River and South West 43rd Street	11,9
Maps available for inspi	ection at 200 Mill Avenue, South, Ren South Cle Elum (City) Kittlas County (FEMA-5824). ection at City Hall, 6th Street, South C	Green River	Kititias Highway. Intersection of River and South West 43rd Street. 100 feet upstream of intersection of River and Houser Way North. 75 feet upstream of intersection of river and the second crossing of the Chicago, Milwaukee, St. Paul, and Pacific Railroad. 25 feet downstream of intersection of creek and Interstate Highway 405. Intersection of creek and downstream crossing of northeast 31st Street. Intersection of creek and southwest Grady Way. 25 feet upstream of intersection of River and P-1 Pumping Station Intersection of Washington Street and Fifth Street. Along Western Coastline Along the northern corporate limits. At the intersection of Pacific Avenue and the Levee. At the intersection of Spokane Avenue and Montseano Street	*1,5

(National Flood Insurance Act of 1968 [Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended: [42 U.S.C. 4001-4128]; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: November 12, 1980.
Gloria M. Jimenez, .
Federal Insurance Administrator.
[FR Doc. 80–38903 Filed 12–16–80; 8:45 am]
BILLING CODE 6718–03–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 63 and 64
[CC Docket No. 78-219; FCC 80-589]
Clarification of the Commission's
Report and Order Revising the
Processing Policies for Waiver of the
Telephone Company-Cable Television
"Cross Ownership Rules".

AGENCY: Federal Communications

cross-ownership rules. In the Report and Order, the Commission announced that telephone companies seeking waiver of the telephone-cable television cross-ownership rules would enjoy a presumption in favor of waiver if their proposed service area contained less than 30 homes per route mile. In this Memorandum Opinion and Order the Commission explains how the service

Commission.

ACTION: Final rule (Memorandum Opinion and Order).

summary: In response to petitions for reconsideration, the Commission issues clarifications of the waiver standard enunciated in the Report and Order which set forth revised standards for waiver of its telephone-cable television

area will be measured, how rebuttal showings by cable companies that they are proposing essentially the same service will be evaluated, and under what circumstances extensions of time to make these showings will be granted. The relevant rules also are renumbered and reorganized and placed into one part of the rules.

EFFECTIVE DATE: December 17, 1980. ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: David Richards, Common Carrier Bureau (202) 632-6920.

In the matter of revision of the Processing Policies for Waivers of the Telephone Company-Cable Television "Cross Ownership Rules," §§ 63.54 and 64.601 of the Commission's rules and regulations, CC Docket No. 78-219; In re petition of National Telephone Cooperative Association, For a General Waiver in Rural Areas of the Telephone Company-Cable Television Cross-Ownership rules, §§ 63.54 and 64.601 of the Commission's rules and regulations, File No. W-602-58; Petitions For Reconsideration.

Memorandum Opinion and Order

Adopted: October 9, 1980. Released: December 5, 1980.

By the Commission: Chairman Ferris and Commissioner Fogarty issuing separate statements; Commissioner Jones absent.

1. On December 11, 1979, the Commissioner issued its Report and Order in the above captioned matter, FCC 79-775, 44 FR 75156 (Dec. 19, 1979). setting forth revised standards for waiver of its telephone-cable television cross-ownership rules (47 CFR 63.54-63.57),1 Section 63.54 of the Commission's rules generally prohibits telephone common carriers from furnishing directly, or through affiliates, cable television service within their service areas. Section 63.56 provides for waivers of this prohibition, "[i]n those communities * * * where cable television service demonstrably could not exist except through a cable television system owned by, operated by, controlled by, or affiliated with the local telephone common carrier, or upon other showing of good cause * * *." In essence, the Commission stated that henceforth a showing by the waiver petitioner that service is proposed for an area in which less than 30 homes per

route mile are present would establish a rebuttable presumption in support of the waiver. Petitions for reconsideration of the Report and Order have been filed by the United States Independent Telephone Association (USITA): the National Cable Television Association (NCTA); the Cable Television Association of Kansas, Nebraska, and Oklahoma and the Missouri Broadband Communications Association and the Mid-America CATV Association (collectively referred to as Mid-America); the State of Alaska and the Alaska Public Broadcasting Commission (Alaska); and the Community Antenna Television Association (CATA). Oppositions to these petitions have been filed by The Organization for the Protection and Advancement of Small Telephone Companies (OPASTCO) (opposing all five petitions); NCTA (opposing USITA and Alaska); USITA, and the National Telephone Cooperative Association (NTCA) (both opposing CATA, NCTA, and Mid-America). Reply pleadings were filed by NCTA, USITA and Mid-America.

2. In its petition USITA urges the Commission to delete the provision in the new rules which permits an opponent of a waiver request to obtain extensions of time within which to demonstrate its ability to institute nonaffiliated cable television service in the area for which waiver is requested. It argues that merely by filing a piece of paper entitled "Opposition," an opponent could render nugatory the time, effort and expense invested by a telephone company in planning, developing and obtaining approval for a cable television system.

3. Mid-America, NCTA and CATA request the Commission to clarify or change several provisions in the Report and Order. First of all, they claim that the Commission should affirm that its 30 homes per route mile criterion for waiver is determined on a community basis; that is, each community proposed to be served by the telephone company must contain no more than 30 homes per route mile for the waiver presumption to arise. The parties point out that while some of the rules (e.g., former §§ 63.55(c) and 64.602(a)) speak in terms of "community," other portions of the rules, like former § 64.602(b)(2), speak of a "service area" with a density of less than thirty homes per route mile. The parties express concern that should the density figure be measured on the basis of the telephone company's service area rather than a community basis, opportunities will be presented for the

telephone company to "gerrymander" its

area and include high density locations

in a large service area in which low density rural locations have been included. Thus, a presumption for waiver would attach to areas not otherwise so entitled.

4. The parties also point out a perceived inconsistency in the Report and Order. They note that paragraph 27 states that a cable company opposing a waiver request need present only a copy of its franchise application with its opposition to receive a six month extension of time within which to demonstrate a present intention to construct a system, while the corresponding rule, former § 64.602(d). states that opponents of a waiver request seeking to rebut a presumption of low density must submit "evidence of the financial, technical, and other abilities necessary" to institute service. The parties fear that the submission of this evidence would result in the Commission itself choosing the best applicant in what would in effect be a comparative hearing proceeding.

5. Mid-America, NCTA and CATA also seek definition of the terms "present intention" and "essentially as proposed." Questions exist whether the provision of "Showtime" pay cable service is "essentially" the same as "Home Box Office," and if a plan to wire more populous areas before sparse areas demonstrates a "present intention" to serve the sparse areas. Mid-America and NCTA add that the Commission should require waiver applicants to serve copies of their waiver petitions on local cable companies, and that the present notice requirement of newspaper publication or other appropriate means is inadequate.

6. NCTA takes exception to the Commission's reliance on a staff study not in the record (Appendix I of the Report and Order) to arrive at its calculation of 30 homes per route mile as the cutoff point for waiver presumption. NCTA states that it had recommended a "tiered approach" whereby the presumption would automatically arise for fewer than 6 homes per mile, a showing would be required for the presumption to arise in areas with 6 to 20 homes per mile, and no presumption would be available over 20 homes per mile. NCTA asserts that, "30 homes per mile is an unreasonably high density level," and "is contrary to the actual experiences of rural cable systems." It concludes that the Commission should have explained in greater detail why the "tiered approach" was rejected and should have released

¹ The telephone-cable television cross-ownership rules are being renumbered by action taken here. See paragraph 19, infra, and the Appendix. Unless otherwise stated, all references to rule sections in this document will correspond to the rules as they are renumbered.

its staff study for comments before adopting its conclusions.2

7. Finally, Alaska in its petition states that the 30 homes per route mile standard is inapplicable to the unique physical circumstances of rural Alaskan communities. These communities, it is argued, tend to be small, thickly populated areas, separated by vast unpopulated areas. Accordingly, while independent cable service would clearly be infeasible, local telephone companies would not be able to receive waivers based upon the 30 homes per mile presumption. As a result no service would be obtained. Accordingly, Alaska suggests an addition to the rules, providing for a waiver presumption not only for 30 homes per mile but also for "a service area which has a population of 1000 or less."

8. In oppositions to the reconsideration petitions filed by cable television interests, OPASTCO, NTCA and USITA argue that the petitioners' concerns that telephone companies will "gerrymander" proposed service areas to achieve a 30 homes per mile density are misplaced. According to the oppositions, if a telephone company can in fact prepare a service proposal which combines a low density area with a more populous core area, thereby creating a viable service proposal, it should not be denied the opportunity to provide such service by the Commission's cross-ownership rules. Indeed, the oppositions state, the cable interests' opposition to such a proposal merely demonstrates their historical lack of interest in serving sparsely populated areas and in "creamskimming" the core areas. Additionally. NTCA argues, the Commission's new notice requirement of newspaper publication is, in fact, superior to actual service because actual service can be made only upon local cable systems, whereas newspaper publication is not similarly restricted.

 In their reply pleadings, the parties generally reiterate their earlier arguments. However, NCTA emphasizes that the Commission should provide a fixed standard to insure that "its waiver process is not abused by the irrational combination of remote or uninhabited areas, in which service is infeasible without regard to the supplier, with rural population centers that conventional cable can serve." NCTA suggests that some percentage (e.g. 75%) of the total proposed service area be below the trigger density level in order for the presumption to exist.

Discussion

10. Although the reconsideration petitions were filed by competing industry interests, they appear to be in basic agreement that certain clarifications in the standards set forth in our Report and Order are required. Specifically, clarification is requested as to: (a) Whether the 30 homes per mile standard would be measured on a community basis or on a telephone service area basis; (b) whether a cable company must propose the identical service as the telephone company in order to overcome the presumption of infeasibility; and (c) what circumstances warrant grant of extensions of time to cable companies opposing waiver requests.

11. Since the release of the Report and Order in this proceeding we have received in excess of 40 petitions requesting waiver of the crossownership rules. More than half of the petitioners have claimed that they qualify for the presumption we established in the Report and Order in that their proposed service area has a density of less than 30 homes per route mile. It is apparent from a review of these petitions that a definition of the area to be used for the measurement of the 30 homes per route mile standard is needed.

12. Section 63.56 provides that in communities where independent service demonstrably could not exist, waiver to enable the provision of service by the telephone company may be appropriate. We continue to believe, as we stated in the Cable Television Report and Order:³

Another matter uniquely within the competence of local authorities is the delineation of franchise areas.

There are a variety of ways to divide up communities; the matter is one for local judgment.

We primarily will look to the local or state governing (franchising) bodies for determinations with respect to "communities" and "areas" and will judge waiver petitions on a franchise area basis. In other words, we will examine the density of each franchise area within a telephone company's proposed cable television service area to see if the density is greater or less than 30 homes per route mile. In general, we will regard each district governmental entity having the authority to issue franchises as the appropriate area within which to measure density. Where the franchising authority has subdivided the area for franchising purposes, each subdivision will be considered separately.

13. With reference to petitioners' second concern noted in paragraph 10(b), supra, we believe the appropriate test for "essentially the same service" is the penetration rate proposed. Thus, an independent operator seeking to defeat a waiver request by the local telephone company must propose to serve approximately the same number of households as the telephone company within approximately the same time frame. We do not envision comparing the channel and program offerings of the

*We expect that in most cases a franchise will have been issued before the application is filed. However, it is not our intention to make the issuance of a franchise a prerequisite for waiver consideration. In cases where no franchising authority exists, we will examine the claims as to density level on the specific facts of each case.

5 The Commission's rules originally envisioned that waivers of the cross-ownership rules, in instances where cable service "demonstrably could not exist" unless provided by a telephone carrier, would largely be confined to rural or other low population density areas. Applications of Telephone Companies for Section 214 Certificates for Channel Facilities Furnished to Affiliated Community Antenna Television Systems, 21 FCC 2d 307, 326, recons. in part, 22 FCC 2d 746 (1970), aff d sub nom General Telephone Co. of the Southwest v. U.S., 449 F.2d 846 (5th Cir. 1971). It is not our intention here to extend application of the "essentially the same service" test to waiver cases involving population densities of 30 homes per route mile or greater Although the relative penetration rates proposed by telephone companies and independents may be relevant to waiver determinations in such higher density areas, the overall balance of competing public interest considerations may also be different For example, we believe that telephone companies may be unwilling to accept the cost of preparing and prosecuting franchise applications in low density areas if their waiver applications can be defeated merely by the presence of cable companies offering substantially less penetration. We do not want our cross-ownership rules to discourage the development of cable service in rural and other low density areas. We believe that our use of the penetration test in evaluating waiver petitions for these areas should serve as an inducement to telephone companies to submit franchise applications in these areas. On the other hand, we have no evidence that, in areas with a density of 30 homes per route mile or greater, the development of cable service is unlikely to occur. Hence, we have no basis for concluding that any measures are necessary in order to encourage cable applications in these areas. Consequently, in higher density areas, we will continue to evaluate waiver petitions on a case by case basis, and, even if a competing cable company did not offer essentially the same penetration level, we might nonetheless decide to deny a waiver request by a telephone company.

³Cable Television Report and Order, 36 FCC 2d 143, at 208 (1972).

^{*}NCTA concedes that it joined major telephone companies in recommending to Congress passage of legislation which included provisions allowing telephone company operation of cable systems in rural areas of less than 30 homes per mile. However, it states, the Commission, "should not take out of context one part of a proposal directed at more comprehensive structural changes than those under consideration in this rulemaking proceeding."

NCTA also contends that the Commission should grant cross-ownership waivers to telephone companies only when a demonstration has been made that independent cable service is not available. Accordingly, NCTA states, the rule which permits waivers on this ground, "or upon other showing of good cause." should be revised, and the phrase "or upon other showing of good cause" should be stricken.

competing entities. Any such attempt clearly would require protracted comparative proceedings. Limiting our inquiry to the issue of penetration will protect the public against non-affiliated operators who propose to serve only high density areas, and will not force us into choosing between programming packages.

14. As many of the petitioners point out, the Report and Order and the accompanying rules may have created an ambiguity as to criteria for extensions of time. We take this opportunity to clarify them. Oppositions to waiver petitions which seek to rebut the claim by the waiver petitioner that the density of the area is less than 30 homes per mile must initially contain a complete and detailed showing of any facts or arguments submitted, supported by affidavit. See § 63.56(d) of the rules. If the opponent attempts to show that independent service is in fact available. it may need more time than the initial 30 day filing period to demonstrate to the Commission the feasibility of its service. It may accompany its opposition with a request for extension of time. Extensions will be granted of a duration commensurate with the stated basis for the extension but will generally be no more than 30 additional days within which the opponent may demonstrate its ability to institute essentially the same service as proposed in the waiver petition. We believe the additional 30 day period for opponents of waiver requests to bring together the showing required to rebut the presumption, coupled with the original 30 day notice period, will provide ample time for such showings.

15. We emphasize that where a telephone company requests a waiver based upon the presumption of nonavailability of independent service essentially as proposed, and it is timely demonstrated that essentially the same offering is proposed by an independent operator, the waiver petition generally will be denied. However, as the rules clearly indicate, nonavailability of service is not the only ground for waiver-other good cause may be shown. See § 63.56(a). For example, in our recent Sugar Land Telephone Company decision, FCC 80-89, 76 FCC 2d 230 (1980), the Sugar Land Telephone Company tried to demonstrate that it could provide service to its area (which exceeded 30 homes per mile) at less cost than an independent cable company; the cost savings would allegedly be passed along to its customers. Although we found the telephone company's showing inadequate and therefore denied the waiver request, we clearly stated, at

para. 16, that, "The right of a telephone company to attempt to meet that high burden (of showing other good cause for the waiver) is not automatically cut off by the possibility of independent CATV operation in the area." Based upon the foregoing, we deny NCTA's request that the phrase "or upon other showing of good cause" be stricken from § 63.56(a) of the rules.

16. We will also deny Alaska's petition for reconsideration. While we have explored in depth in our Report and Order the relationship between low density and system viability, we have not been presented with any persuasive evidence to conclude, as Alaska asks us to do, that there is a similar relationship between overall population and system viability. Any petition for waiver filed for an Alaskan community will be given careful consideration to determine whether service by an independent entity is infeasible or whether other good cause for waiver has been shown.

17. We reject NCTA's claim that our reliance on a staff study not in the record and not available for comment was prejudicial to NCTA. In making this claim NCTA relies on the Court of Appeals decision in WNCN Listener's Guild v. FCC, 610 F.2d 838 (D.C. Cir. 1979). In that case, the Court, noting that the Commission had relied for its Policy Statement on a staff study which demonstrated that competition is highly effective in producing format diversity for radio stations, stated at page 846, that:

The Commission's failure to disclose this important technical document for public comment not only diminishes the assurance that its decision is substantively accurate, but also raises questions of procedural fairness to parties opposed thereto.

However, the WNCN case is inapposite. The material relied upon by the staff contained computer worksheets which were incomprehensible without a key. By the time the requesting party received from the Commission a description of the methodology used by the staff, the filing period for petitions for reconsideration had expired. Even in those circumstances the court stopped short of ruling that failure to obtain public comment on the staff study required reversal. In our Report and Order, however, the staff study relied upon a Rand Corporation model of cable television finances which has been publicly available since 1972. We explicitly stated, at note 13, that parties wishing to raise issues relating to the model could do so in reconsideration petitions. In these circumstances we cannot find that the rights of any parties have been prejudiced. Instead, we

believe our action to be an appropriate use of administrative official notice and fully consistent with legal requirements.6 We note that neither NCTA nor any other party has presented any evidence to rebut our conclusion that 30 homes per mile is the appropriate point for the presumption of viability. Moreover, NCTA has presented no evidence in support of its legal conclusion that if it had accepted the Commission's invitation to comment on the Rand study on reconsideration, it might later be estopped from additional recourse. The Commission cannot consider arguments which a party refuses to make:

18. Finally, we reject Mid-America and NCTA's request that we reinstitute a requirement of personal service of waiver requests instead of the newspaper publication or other appropriate means requirement mandated in the Report and Order. Petitioners express concern that newspaper publication will not suffice to alert interested parties. We disagree. Our intent in amending the rule was to increase the opportunity for comment on a waiver applicant's proposal. It appeared to us that newspaper publication would result in notification to a broader range of potential cable operators than would service on local cable operators and franchise applicants. We note that since our rule change, many of the waiver petitions filed have been opposed and nearly all of these oppositions have been filed by cable operators. There also has been a considerable amount of attention drawn to waiver filings by telephone

⁶ Section 556(e) of the Administrative Procedure Act, 5 U.S.C. 556(e), provides that,

When an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary.

The United States Department of Justice, Attorney General's Manual on the Administrative Procedure Act 79 (1947) comments,

[T]he process of official notice should not be limited to the traditional matters of judicial notice but extends properly to all matters as to which the agency by reason of its functions is presumed to be expert, such as technical or scientific facts within its specialized knowledge * * *.

Agencies may take official notice of facts at any stage in a proceeding—even in the final decision—but the matters thus noticed should be specified and "any party shall on timely request be afforded an opportunity to show the contrary." The matters thus noticed become a part of the record and, unless successfully controverted, furnish the same basis for findings of fact as does "evidence" in the usual sense. (footnotes and citations omitted).

Similarly, 2 Davis, Administrative Law Treatise, Section 15.14 (1958) states:

Both courts and agencies should and will continue to exercise the discretionary power they have always had, subject to check by reviewing courts, to determine whether or not parties should be given advance notification of intent to notice particular facts * * * companies in the cable industry trade press. In these circumstances we are confident that our current notice requirements adequately serve the purpose for which they are intended.

Other Matters

- 19. Since the release of our Report and Order, we have concluded that the current organization of the relevant rules has created needless complexity for waiver petitioners. This is largely because the applicable rules are bifurcated into non-adjacent sections of two Rule Parts, Parts 63 and 64. Accordingly, we are reorganizing all these rules into Part 63, §§ 63.54 through 63.57, as described in the Appendix. We are also revising some of the language to reflect our discussion above and are making other minor editorial changes. These include:
- a. The term "CATV" in § 63.54 is replaced with "cable television" to achieve consistency with the cable television rules in Part 76.
- b. In § 63.56(b)[2) the term "thirty (30) existing potential CATV household subscribers per route mile of coaxial cable trunk and feeder line" is replaced by "thirty (30) households per route mile of coaxial cable trunk and feeder line." This is to reflect more clearly our intention that density be measured by counting all households on the subject route mile. Potential households (households which do not yet exist) should not be counted. Nor should petitioners count only those households expected to subscribe to cable.
- c. In § 63.56(c), the language concerning density has been changed as in § 63.56(b)(2), supra, and the words "or more" have been added to make the phrase "thirty (30) or more households per route mile," in which case the presumption of nonviability of independent service does not exist.
- d. Former § 63.56 has been deleted as it is no longer applicable.
- e. The term "service area" as it relates to cable television service has been changed in §§ 63.56(b) and 63.56(c) to avoid confusion with a telephone company's service area as it relates to telephone service (See paras. 3, 8 and 9 supra).
- f. Sections 63.56 (a) and (b) are clarified to state that waivers will be considered on a franchise area basis.
- g. Former § 64.602(d), now § 63.56(d), has been revised to provide that, where necessary, an appropriate, rather than a six month, extension will be granted. (See para. 14 supra).
- ⁷ See, e.g., Cable Associations Monitor Telco Activity, Coblevision. February 25, 1980, at 52.
- *All waiver requests relying on nonavailability of independent service or other good cause should show that notice has been given through newspaper advertisement or other appropriate means. As to newspaper advertisements, the waiver request should give the name of the newspaper, the date(s) of publication of the advertisement(s) and the area in which the newspaper is distributed. Section 63.56(b)(3) is amended to clarify this requirement.

- 20. Finally, a number of applications for waiver are pending. Cursory review of several of these indicates a misinterpretation of the limited objectives of this docket. As stated throughout, we have attempted to establish an administratively efficient waiver procedure which identifies those communities where independent cable television service appears infeasible. This effort does not represent a change in fundamental policy. Having clarified this point, and a number of other areas of uncertainty as to the waiver standard, we will allow 30 days from the release date of this order for waiver petitioners and parties who have already filed comments concerning pending waiver petitions to supplement their earlier filings. In those cases which presently are opposed, we will provide an additional 10 business days for replies.
- 21. Since we are reorganizing and renumbering rules which are now in constant use, we feel that any delay in their implementation would confuse the public and would be contrary to the public interest. Accordingly, pursuant to Section 553(d)(3) of the Administrative Procedure Act, 5 U.S.C. 553(d)(3), the new rules will be effective immediately on December 17, 1980.
- 22. Accordingly, it is ordered, That, pursuant to Sections 2, 3, 4 (i) and (j), 205, 214, 303, 307, 308, 309 and 403 of the Communcations Act, Parts 63 and 64 of the Commission's rules are amended, as set forth in the attached Appendix, effective December 17, 1980.
- 23. It is further ordered, That the Petitions For Reconsideration filed in this proceeding are granted, to the extent indicated above, and are denied, in all other respects.
- 24. It is further ordered, That parties who have waiver petitions pending, and parties who have already filed comments with respect to pending waiver petitions, may file, within thirty days of the release date of this order, any supplement to earlier filings occasioned by the clarifications effected by this order. It is further ordered, That, in those waiver petitions which presently are opposed, parties are granted an additional ten business days for replies to any supplements.

(Secs. 4, 303, 307, 48 Stat., as amended 1066, 1082, 1083; (47 U.S.C. 154, 303, 307))

Federal Communications Commission.
William J. Tricarico,
Secretary.

Appendix

Parts 63 and 64 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 63—EXTENSION OF LINES AND DISCONTINUANCE OF SERVICE BY CARRIERS

1. The following new subpart title is inserted before the headnote of the present § 63.54.

Applications of Telephone Common Carriers to Construct and/or Operate Cable Television Channel Facilities in Their Telephone Service Areas

2. The present § 63.54 is deleted and a new headnote and text are added to read as follows:

§ 63.54 Furnishing of facilities for cable television service to the viewing public.

- (a) No telephone common carrier, subject in whole or in part to the Communications Act of 1934, shall engage in the furnishing of cable television service to the viewing public in its telephone service area, either directly, or indirectly through an affiliate owned by, operated by, controlled by, or under common control with the telephone common carrier.
- (b) No telephone common carrier, subject in whole or in part to the Communications Act of 1934, shall provide channels of communications or pole line conduit space, or other rental arrangements, to any entity which is directly or indirectly owned by, operated by, controlled by, or under common control with such telephone common carrier, where such facilities or arrangements are to be used for, or in connection with, the provision of cable television services to the viewing public in the telephone common carrier.

Note 1.—(a) As used above, the terms "control" and "affiliate" bar any financial or business relationship whatsoever by contract or otherwise, directly or indirectly between the carrier and the customer, except only the carrier-user relationship.

(b) Examples of situations in which a carrier and its customer will be deemed to be controlled or having a relationship include the following, among others: Where one is the debtor or creditor of the other (except with respect to charges for communication services); where they have a common officer, director, or other employee at the management level; where there is any element of ownership or other financial interest by one in the other; and where any party has a financial interest in both.

Note 2.—In applying the provisions of this section to the stockholders of a corporation which has more than 50 stockholders:

(a) Only those stockholders need be considered who are officers or directors or who directly or indirectly own 1 percent or more of the outstanding voting stock.

(b) Stock ownership by an investment company, as defined in 15 U.S.C. Section 80a-3 (commonly called a mutual fund), need be considered only if it directly or indirectly

owns 3 percent or more of the outstanding voting stock or if officers or directors of the corporation are representatives of the investment company. Holdings by investment companies under common management shall be aggregated. If an investment company directly or indirectly owns voting stock in an intermediate company which in turn directly or indirectly owns 50 percent or more of the voting stock of the corporation, the investment company shall be considered to own the same percentage of outstanding shares of such corporation as it owns of the intermediate company: Provided, however, That the holding of the investment company need not be considered where the intermediate company owns less than 50 percent of the voting stock, but officers or directors of the corporation who are representatives of the intermediate company shall be deemed to be representatives of the investment company.

(c) In cases where record and beneficial ownership of voting stock is not identical (e.g., bank nominees holding stock as record owners for the benefit of mutual funds. brokerage houses holding stock in street name for the benefit of customers, trusts holding stock as record owners for the benefit of designated parties), the party having the right to determine how the stock will be voted will be considered to own it for

the purposes of this section.

3. The present § 63.55 is deleted and a new headnote and text are added to read as follows:

§ 63.55 Affiliation showings.

Except as provided for in § 63.56. applications by telephone common carriers for authority to construct and/ or operate distribution facilities for channel service to cable television systems in their service areas shall include a showing that the applicant is unrelated and unaffiliated, directly or indirectly, with the proposed cable television operator.

4. The present § 63.56 is deleted and a new headnote and text are added to

read as follows:

§ 63.56 Waivers.

(a) In those communities (franchise areas) where cable television service demonstrably could not exist except through a cable television system owned by, operated by, controlled by, or affiliated with the local telephone common carrier, or upon other showing of good cause, the provisions of §§ 63.54 and 63.55 may be waived, on the Commission's own motion or on petition for waiver, if the Commission finds that the public interest, convenience and necessity would be served thereby.

(b) Telephone company waiver requests may enjoy a rebuttable evidentiary presumption to the effect that cable television service could not presently exist except through a cable

television system operated by,

controlled by, or affiliated with the local telephone common carrier, if the waiver request includes:

(1) A general statement of why the public interest, convenience and necessity would be served by a waiver;

- (2) A demonstration that cable television service is proposed for a franchise area which has a density of less than thirty (30) households per route mile of coaxial cable trunk and feeder
- (3) Evidence that notice was given, by newspaper advertisement(s) or other appropriate means, of waiver petitioner's intention to construct and/or operate a cable system in the franchise area, including the name of the newspaper, the date(s) of publication of the advertisement(s) and the area in which the newspaper is distributed; and

(4) The affidavit of the person(s) with actual knowledge of the facts alleged by the waiver request, and the verification of the person(s) who prepared the exhibits to the waiver request.

- (c) Telephone company waiver requests shall not enjoy the rebuttable evidentiary presumption of paragraph (b) of this section, and shall contain the showings required by the Commission, including notice as specified in § 63.56(b)(3), if the proposed area of service has a density of thirty (30) or more households per route mile of coaxial cable trunk and feeder line.
- (d) Interested persons may submit comments on, or oppositions to, the petition for waiver within thirty (30) days after the Commission gives public notice that the petition has been filed. Upon good cause shown in the petition for waiver, the Commission may specify a shorter time for such submission. Comments or oppositions shall be served upon the petitioner, and shall contain a complete and detailed showing, supported by affidavit, of any facts or considerations relied upon. An opposition may seek to rebut the evidentiary presumption of paragraph (b) of this section by a showing that:

(1) The density of the area to be served is thirty (30) or more households per route mile; or

(2) The opposing party has a present intention to offer non-affiliated cable television service.

Evidence in support of the showing in paragraph (d)(1) of this section must be submitted within the public notice period. Evidence in support of the showing in paragraph (d)(2) of this section must be submitted within the public notice period unless an extension of time requested within that period is granted for good cause shown; evidence must include financial, technical, and

other data sufficient to show the opposing party's ability to institute essentially the same service to approximately the same number of households within the same time frame as proposed by the waiver petitioner. Extensions will generally not be granted for a period to exceed thirty (30) additional days.

(e) The petitioner may file a reply to the comments, or oppositions, within thirty (30) days after their submission. and shall serve copies upon all persons

who have filed pleadings.

- (f) The Commission, after consideration of the pleadings, will determine whether the public interest, convenience and necessity would be served by the grant or denial of the petition, in whole or in part. The Commission may specify other procedures, such as oral argument, evidentiary hearing, or further written submission directed to particular aspects, as it deems appropriate.
- 5. The present § 63.57 is deleted and a new headnote and text are added to read as follows:

§ 63.57 Availability of pole (conduit) rights to cable television customers.

Applications by telephone common carriers for authority to construct and/ or operate distribution facilities for channel service to cable television systems shall include a showing (in addition to the conditions set forth in the above sections) that the independent cable system proposed to be served had available, at its option, and within the limitations of technical feasibility, pole attachment rights (or conduit space, as the case may be) at reasonable charges and without undue restrictions on the uses that may be made of the channel by the customer. This availability must exist not only at the time of the authorization but also prior to the customer's decision to seek an award of a local franchise, if such is required, and such policy of the applicant must be made known to the local franchising authority. Separate documents, attesting the above conditions, by the cable television customer and, where applicable, by the appropriate local franchising authority must be annexed to the application.

PART 64-MISCELLANEOUS RULES **RELATING TO COMMON CARRIERS**

6. Subpart F of Part 64 is removed and reserved. The table of contents and the text of Part 64 are amended to read:

Subpart F--[Reserved]

October 9, 1980.

Separate Statement of Chairman Charles D. Ferris

Re: Telephone Company-Cable Television Cross Ownership

I agree that the time has come to institute an inquiry into the question of whether our rules barring telephone companies from delivering cable services, first promulgated in 1970, remain valid a decade later. The cable industry has obviously undergone major changes in the past ten years, and is well on its way to becoming a strong and established player in the over-all communications industry. Our policies in favor of open entry are transforming the telephone industry as well. No policy of the Commission should become so embedded that it is not worth a second look. I look forward to seeing the comments of the industry and the public.

Separate Statement of Commissioner Joseph R. Fogarty

In Re: Revision of the Processing Policies for Waivers of Telephone Company—Cable television "Cross Ownership Rules," On Reconsideration.

While I believe the Commission properly resolves the limited issues presented by these petitions for reconsideration, I also believe that the time has come for us to re-examine the original basis for the cable/telco crossownership prohibition and to determine whether this rule serves the public interest.

The current state of FCC rules and policy on cable television/telephone company cross-ownership can be briefly summarized as follows:

- —As a general rule, telephone companies or their affiliates, are prohibited from furnishing CATV service directly to the public within their own telephone service areas;
- —Waivers of the general rule may be granted upon a telephone company showing (1) that cable service demonstrably cannot exist except through a CATV system related to or affiliated with the local telephone common carrier, or (2) that other "good cause" for waiver exists;
- —Where a telephone company demonstrates that population density in the community to be served is less than 30 homes per route mile, it is entitled to a presumption that independent CATV operation is infeasible. While this presumption is rebuttable by an indication of interest on the part of independent CATV operators, that rebutting offer of service must be equivalent in terms of penetration and time frame for construction;
- —Where a telephone company cannot show that it is entitled to the less-than-30-homesper-route-mile exemption, or that independent CATV operation otherwise "demonstrably could not exist," its waiver

request must be predicated on "other showing of good cause" demonstrating in the particular case and with sufficient detail, the public interest benefits which will flow from the joint or integrated operation of cable television and telephone facilities. Generally speaking, such "other good cause" showings must rely on technological innovation and joint cost economies to demonstrate that the telephone company's CATV service proposal is clearly-superior to that which an independent cable television operator could offer.

I believe the Commission should be alert and sympathetic to telephone company cable service proposals in areas where the independent cable television industry has shown no real interest in providing service. This is particularly the case in rural and low population density areas, and I have strongly supported this Commission amendment of the cross-ownership policy and procedures to establish the less-than-30-homes-per-route-mile presumption in favor of waiver. This action should stimulate telephone company interest in filling critical rural area communications service needs.

However, I have serious doubts about the wisdom of continuing to place high hurdles in front of telephone company cable service. It is time for the Commission to question whether our existing rule and waiver standards impose too great a burden on today's consumers in terms of foregoing cable service which can be provided now by telephone companies in favor of a vague future possibility of service by independent operators. In particular, the Commission should at the very least consider whether the development of the independent CATV industry has reached the point where it should be expected to counter telephone company cable service proposals in all areas with specific and equivalent competing offers of investment and service rather than with noncommittal, belated or hypothetical possibilities. Where there is no real and timely interest on the part of an independent cable television operator in providing service to a community, the Commission should consider that fact strong evidence in favor of a telephone company that is ready, willing, and able to provide that service. 1 Beyond this limited remedial action. I believe we should seriously consider deleting the rule altogether.

It is fair to say that the Commission's cable television/telephone company

cross-ownership prohibition was originally predicated in large part on a desire to allow the infant independent CATV industry sufficient opportunity to develop into a strong competitor in the field of broadband communications. In its 1970 Final Report and Order promulgating the cable/telco cross-ownership rules, the Commission made the finding that

* * * the public interest in modern and efficient means of communications will be best served, at this time, by preserving, to the extent practicable, a competitive environment for the development and use of broadband cable facilities and services and thereby avoid undue and unnecessary concentration of control over communications media either by existing carriers or other entities.²

Based on this finding, the Commission concluded that "* * * the preservation of such competition will best be assured by the exclusion of telephone companies in their service areas from engaging in the sale of CATV service to the viewing public where no practical alternative exists to make such service available within a particular community." 3

Whatever the merits in 1970 of this theory of preserving competition by excluding a potential competitor, the economic position of the independent CATV industry in 1980 strongly argues for a Commission reappraisal. In January of 1970, according to Television Fact Book statistics, there were a total of 4.5 million cable television subscribers hooked up to a total of 2,400 cable systems and representing 7.6 percent penetration of all TV households.4 As of January, 1980, according to FCC statistics, there are now an estimated total of 16.3 million cable subscribers hooked up to a total of 4,250 systems serving approximately 10,000 communities and representing 20 percent penetration of all TV households.5 According to an industry journal, the number of pay cable subscribers has doubled to 5.7 million in the past year and a half and constitutes one-third of all basic subscribers. 6 With the advent of satellite transmission service in 1977, there are now more than 30 program services available to cable operators via this medium alone.7 A recent FCC study has predicted that

^{&#}x27;See Petition of Sugar Land Telephone Company, Concurring Statement of Commissioner Joseph R. Fogarty, 76 FCC 2d 237-38 (1980); Petition of Concord Telephone Exchange, Inc., Concurring Statement of Commissioner Joseph R. Fogarty, 78 FCC 2d 683 (1980).

² Final Report and Order in Docket No. 18509, 21 FCC 2d 307, 325 (1970).

³ Id.

⁴ TV Factbook, 1970 Ed., TV Digest, Inc., Washington, D.C., Page 79A.

⁸ FCC Release No. 23393, November 26, 1979.
⁶ Pay TV Census (as of December 31, 1979), Paul Kagan Associates, Inc., Carmel, California, April

⁷ Cable Television Development, National Cable Television Association, Washington, D.C., May

cable penetration of TV households will reach about 50 percent "in the foreseeable future." 8

Independent CATV system ownership patterns are also indicative of an economically strong and aggressive industry. A recent trade journal ranking of the top 50 cable system operators-all multiple system owners or MSO'sshows that these operators claim over 10.6 million subscribers, about threefourths of total subscribers.9 The top 25 cable system operators claim about 8.8 million subscribers and the second 25 about 1.8 million. 10 Teleprompter Corp., the top MSO, alone has over 1.2 million subscribers hooked up to its 100-plus cable systems. 11 Both FCC staff and trade journal studies suggest no slackening of aggressive acquisition and concentration behavior in the future. 12

The most recent FCC data on reported cable television industry operations for 1978 disclose an extremely healthy financial picture. 13 Operating revenues totaled over \$1.5 billion, a 25 percent increase over 1977 revenues. Total operating expenses were \$918 million, leaving an operating income of nearly \$593 million or a 39 percent operating margin before expenses of depreciation/ amortization, interest, and taxes. Net income before taxes was approximately \$137 million, a 2.5 percent increase over 1977 and a 410 percent increase over the period 1975 to 1978. The cable industry's total assets had a book value of \$2.87 billion, up 18 percent from 1977

I cite these statistics not to prove that. the independent CATV industry is "big business," but to suggest that there is reason enough for us to conclude that the infant has grown up and can be expected to fend for itself in full competition with telephone companies seeking to provide CATV service. This growth and development alone should prompt the Commission to revisit and question the continuing validity of the cable/telco cross-ownership rules. 134

Another policy premise underlying the cable/telco cross-ownership prohibition concerned "the monopoly position of the telephone company in the community, as a result of which it has effective control of the pole lines (or conduit space) required for the construction and operation of CATV systems"14 and the consequent ability of the telephone company "to pre-empt the market for this service which, at present, is essentially a monopoly service * favoring tis own or affiliated interest as against non-affiliated interests in providing access to those pole lines or conduits." 15 Noting that "numerous parties" had complained of such exclusive arrangements, the Commission stated that the cable/telco cross-ownership rules were "designed to prevent, as much as possible, any such abuse."16

Again, whatever the merits of this "pole monopoly" argument in the past, at present the independent cable industry does not appear to be encountering difficulty in securing access rights to telephone company poles and conduits. There has been, of course, considerable controversy between the two industries over the terms, charges, and conditions of cable access rights. However, with the passage of pole attachment regulation legislation by the Congress in 1978, 17 a jurisdictional and procedural structure has been established for the resolution of these complaints.18 While it may be argued that elimination of the cable/ telco cross-ownership prohibition could lead to telephone company intransigence against continuing or allowing new independent cable operator access rights, I believe any such telephone company "anticompetitive" conduct would be extremely unlikely in view of the acute antitrust, regulatory, and legislative interest it would quickly generate. Moreover, I find it interesting that 89% of the major construction funded today by the Rural Electrification Administration is for buried cable while only 11% is invested in aerial cable lashed to poles. Thus it would appear, at least in the rural areas of the country,

that the problem of access rights is a vanishing one.

A third theory or argument advanced by the Commission in support of the cable/telco cross-ownership prohibition presents another variation on the antimonopoly theme. To my mind, it has never been articulated with particular clarity or precision but instead has rested on the vague prophecy of a priori reasoning. In promulgating the crossownership prohibition, the Commission noted that CATV service represented "the initial practical application of broadband cable technology for providing services requiring a wider spectrum distribution facility than can be supplied within the technical capability of the existing plant of the telephone company." 19 It further observed that there was "a substantial expectation that broadband cables, in addition to CATV services, will make economically and technically possible a wide range of new and different services involving the distribution of data, information storage and retrieval, and visual, facsimile and telemetry transmission of all kinds." 20 While it was not clear whether these new broadband services would evolve into a common carrier mode or some other institutional structure, the Commission decided that it should insure against "any arbitrary blockage" of the "gateway" to the provisions of these services which would deny to a community the potential benefits of independent cable operators participating in broadband cable development.21

Why the Commission would assume that the telephone industry would be any less diligent and aggressive than independent CATV operators in developing the technology and practical service applications of broadband communications is much less than selfevident. With fiber optics coming out of telephone industry laboratories and over and under the streets, this apparent assumption loses all credibility. Indeed, with video phone on the near horizon, any dichotomy between CATV services and common carrier offerings is becoming fictional and obsolete.

More fundamentally, if we are seeking to promote full and meaningful competition in broadband communications technology and services, I do not see how excluding one potential class of competitor-telephone companies-from the cable television market and consumers serves that

Inquiry into the Economic Relationship Between Television Broadcasting and Cable Television, 71 FCC 2d 632, 672 (1979).

[&]quot;Television Digest, Special Western Cable Television Show Supplement, December 12-14, 1979.

¹¹ Id.

¹² See, e.g., Yale M. Braustein et al., "Recent Trends in Cable Television Related to the Prospects for New Television Networks" (submitted to FCC Network Inquiry Special Staff), August, 1979: Broadcasting, January 21, 1980, p. 55

¹³ All Data in FCC Release No. 23393, November

¹³⁶ As the D.C. Circuit has stated in *Geller v. FCC*, 810 F. 2d 973 (D.C. Cir. 1979): "Even a statute depending for its validity upon a premise extant at the time of enactment may become invalid if subsequently the predicate disappears. It can hardly be supposed that the vitality of conditions forging the vital link between Commission regulations and

the public interest is any less essential to their continuing operation." Id. at 980.

¹⁴ Final Report and Order in Docket No. 18509, 21 FCC 2d at 324.

¹⁵ Id.

¹⁶ Id.

¹⁷Pub. L. No. 95-234, February 21, 1978, Communications Act Amendments of 1978.

¹⁸ See Adoption of Rules for the Regulation of Cable Television Pole Attachments, First Report and Order in CC Docket No. 78-144, 68 FCC 2d 1585 (1978), Memorandum Opinion and Order, 72 FCC 2d 59 (1979), on reconsideration 77 FCC 2d 187 (1980).

¹⁹ Final Report and Order in Docket No. 18509, 21 FCC 2d at 324.

²⁰ Id. at 324-25.

²¹ Id. at 325.

purpose. If we view this competition as a means to the desirable end of a fully wired video nation, the full participation of telephone companies in that competition would only spur the attainment of that goal.

I readily agree that there are valid and serious regulatory concerns implicit in the fact that a cable television system is a monopoly "gateway" or "bottleneck" through which competitors and potential competitors of the system operator must pass. However, these regulatory concerns apply regardless of whether the CATV system owner/operator is a telco or an independent cable entrepreneur. This universality of the bottleneck problem is not merely theoretical. Recently, complaints have surfaced in the pay cable programming industry that independent cable system operators have entered into exclusive contracts with one pay programmer that would preclude carriage of other pay services.22 It may therefore be wrong to assume that a cable operator's incentive to maximize profits will prompt maximum access since an exclusive arrangement with one program or service supplier may maximize profits for both while multiple supplier access and competition may dilute those profits.

To the extent that the monopoly cable "bottleneck" is a serious potential impediment to the full development of broadband cable technology and services-and I think it may be-we should confront and deal with that problem directly. In particular, I believe that communications regulatory policy should consider an access or separation requirement for cable to insure full and fair broadband competition. It must be noted that so long as the Commission premises its regulatory jurisdiction over cable on a "reasonably ancillary to broadcasting" rationale, the 1979 decision of the Supreme Court in FCC v. Midwest Video Corp. (Midwest Video II) 23 would preclude the imposition of "common carrier"-type regulation on cable television system operations. However, this decision should not bar or inhibit either Commission or legislative interest reassessing the jurisdictional status of cable and considering access and separation requirements. In any event, the "bottleneck" problem should not be cited as a valid independent ground for retaining the current cable/ telco cross-ownership prohibition.

A final argument in favor of the existing Commission rules on cable/

system franchises. I refer to this argument as a "spectre" for several reasons. First, it should be noted that the Commission itself never specifically relied on a "crosssubsidization" theory in prescribing the cable/telco cross-ownership rules. In its 1970 Final Report and Order promulgating the cross-ownership prohibition, the Commission observed that while several questions in the original notice of proposed rule making inquired as to the adverse financial or technical effects of CATV-telephone ownership affiliation on the telephone company's furnishing of service to its subscribers, "the comments (and the replies to them) do not provide sufficient information basis for any specific findings in this regard." 24 The Commission in essence found that any "cross-subsidization" concerns were mooted or minimized by the ownership prohibition it was prescribing for other

Second, while the Commission's overall common carrier regulatory policies have been able to draw a line between improper "cross-subsidization" and proper "joint and common cost economies" in theory, we have encountered substantial difficulty in drawing that line in the real world of specific tariffs, facilities, and services. To this date, FCC cost allocation proceedings at best disclose a Commission art and not a science. This experience argues, in my judgment, for caution and restraint in assuming objectionable "cross-subsidies" which in fact may not exist.

In the specific context of rural area cable/telco cross-ownership waivers, any Commission concerns about cross-subsidization have changed pragmatically but have remained nonetheless somewhat schizophrenic. Thus, on the one hand, our low-density waiver presumption would appear to encourage a degree of cross-subsidy for rural communications development, but, on the other hand, lingering cross-

²⁴ Final Report and Order in Docket No. 18509, 21 FCC 2d at 329. subsidization doubts have been voiced in some quarters of the Commission even with respect to cross-ownership waivers granted to small rural telephone cooperatives!

I do not mean to minimize either the importance or the difficulty of the set of policy that are lumped together under the rubric of "cross-subsidization." However, as in the case of the "bottleneck" problem, I believe the Commission should address these issues directly, rather than simply duck the problem by banning the telephone industry from the field of competition. If we decide-for the first time-that there should be no cross-subsidy allowed between telephone and cable facilities and services, then we should require a satisfactory cost allocation and accounting system as a condition of telephone company entry. The Commission's Computer Inquiry II 25 prescription of a separate subsidiary and basic/enhanced service dichotomy structure for A.T. & T. and GTE provision of competitive communications services also provides an alternative safeguard to accompany possible entry of these entities into the field of broadband cable television.26

I believe the Commission must also confront the possibility that the prospect of merging fiber optic technology with the local loop of the telephone exchange may offer "natural monopoly" economies in the provision of broadband facilities and services which a sound and rational policy analysis cannot ignore. If these economies emerge in significant magnitude, then telephone company competition in the cable television marketplace may be "unfair" only in the sense that it may be inherently unbeatable. If this should be the case, the hard but necessary answer may have to be that the public interest is better served by such unfairness.

I realize that this is a heavy agenda for a recommended Commission reconsideration of the cable/telco cross-ownership rules. I believe the onslaught of broadband technological innovation will in any event force this regulatory review sooner rather than later. As an immediate objective, I believe the Commission should consider revising its existing waiver standard to favor telephone company applications

telco cross-ownership invokes the spectre of telephone company "cross-subsidization" between traditional telephone facilities and services and the provision of cable facilities and services. This argument seems to have two prongs: That it would be improper to "burden" traditional telephone subscribers with any costs of cable facilities and service, and that any cost sharing between traditional telephone and cable television operations would constitute "unfair competition" with the independent CATV industry for cable

^{**} Second Computer Inquiry—Final Decision, 77-FCC 2d 384 (1980).

²⁶ While the 1956 A.T. & T.-Justice Department Consent Decree would bar A.T. & T. from the direct offering of cable TV facilities and services so long as such business is not deemed "regulated common carrier communications" or services or facilities incidental thereto, I believe the wisdom of continuing this prohibition should also be subject to thorough review.

²³ See, e.g., Channel 10, Toledo, Inc. v. Comcast Cablevision Corp., Civil Action No. 80–40071, E.D. Mich., filed April 23, 1980.

^{23 440} U.S. 689 (1979).

whenever there is no independent cable system operator demonstrating that it is ready, willing, and able to provide equivalent service to the community. At the same time, the Commission should commence a rulemaking proceeding to consider the broader policy issues I have outlined regarding access. separation, and cross-subsidization questions-and to resolve them as quickly as possible.

For Press Release October 21, 1980.

Addendum to Separate Statement of Commissioner Joseph R. Fogarty

In Re: Revision of the Processing Policy for Waiver of Telephone Company-Cable Television "Cross Ownership Rules," on Reconsideration

At its October 9, 1980 meeting, the Commission voted to approve an order disposing of petitions for reconsideration of its previous decision revising the standards for waiver of the cable TV/telephone company crossownership rule to establish a presumption that independent CATV service is infeasible where the area for which telco cable service is proposed has fewer than 30 homes per route mile. The order adopted October 9 provided. inter alia, for a "clarification" that the new 30-homes-per-route-mile waiver standard would be applied on a community franchise area basis. Under this "clarification," the Commission would look at the density of each separate franchise area within a telephone company's proposed cable TV service area to determine whether the less-than-30-homes-per-route-mile waiver presumption is applicable.

Upon further reflection, I am concerned that this "clarification" may seriously undermine the salutary purpose of the Commission's waiver presumption-that is, to allow the development and offering of cable TV services by telephone companies in underserved rural and sparsely populated areas. The net effect of this action may be to facilitate telco cable service only in the outlying areas of essentially all-rural counties as telcos may still be precluded from serving the higher density areas of those counties which are subject to separate local franchising authorities. Such a "crazyquilt" effect may preclude viable telco rural cable service proposals altogether. and may result in denial of the lessthan-30-homes-per-route-mile presumption to a considerable number of the cable/telco cross-ownership rule waiver applications now pending.

Because I clearly did not intend these untoward effects in joining the Commission vote approving the October

9 reconsideration order, I today (October 21) moved that the Commission reconsider this aspect of the order on its own motion. During discussion of this motion, it was made clear that although the adopted clarification might vitiate the applicability of the less-than-30-homesper-route-mile presumption for certain of the waiver applications now pending. waiver might still be predicated on "other good cause shown," thereby allowing the Commission to consider the overall merits of such applications ad hoc. Pursuant to this clarifying discussion, the staff will be bringing all pending waiver applications to the Commission for full review and decision. Accordingly, I have withdrawn my motion for reconsideration. [FR Doc. 80-39172 Filed 12-18-80; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 33

Sport Fishing: National Wildlife Refuges in Colorado, Utah, and Wyoming

AGENCY: Fish and Wildlife Service. Interior.

ACTION: Special Regulations.

SUMMARY: The Director has determined that the opening of certain National Wildlife Refuges to sport fishing in Colorado, Utah, and Wyoming is compatible with the objectives for which the areas were established, will utilize a natural resource, and will provide additional recreational opportunity to the public. The name of each affected refuge and the special regulations for each refuge are set forth below.

EFFECTIVE DATES: See the dates listed for each refuge under Supplemental Information below.

FOR FURTHER INFORMATION CONTACT:

The Area Manager or appropriate Refuge Manager at the address or telephone number listed below. Robert H. Shields, Area Manager, U.S. Fish and Wildlife Service, 1311 Federal Building, 125 S. State Street, Salt Lake City, Utah 84138; telephone 801/524-5630.

Eugene C. Patten, Refuge Manager, Arapaho/Pathfinder National Wildlife Refuge, P.O. Box 457, Walden, Colorado 80480; telephone 303/723-

James A. Creasy, Refuge Manager, Browns Park National Wildlife Refuge, Maybell, Colorado 81640: telephone 303/365-3695.

Ned I. Peabody, Refuge Manager, Bear River Migratory Bird Refuge, P.O. Box 459, Brigham City, Utah 84302; telephone 801/744-2488.

Herb G. Troester, Refuge Manager, Ouray National Wildlife Refuge, 447 East Main Street, Suite 4, Vernal, Utah 84078; telphone 801/789-0351.

SUPPLEMENTARY INFORMATION:

General

Sport fishing on portions of the following refuges shall be in accordance with applicable State and Federal regulations, subject to additional special regulations and conditions as indicated. Portions of refuges which are open to sport fishing are designated by signs and/or delineated on maps. Special conditions applying to individual refuges and maps are available at refuge headquarters or from the Office of the Area Manager (addresses listed above).

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the areas were established. In addition, the Refuge Recreation Act requires that before any area of the refuge system is used for forms of recreation not directly related to the primary purposes and functions of the area, the Secretary must find that: (1) Such recreational use will not interfere with the primary purposes for which the area was established; and (2) funds are available for the development. operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which these refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Impact Statement on the Operation of the National Wildlife Refuge System. published in November 1976.

Funds are available for the administration of the recreational activities permitted by these regulations.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

Colorado

Arapaho National Wildlife Refuge

Effective dates: January 1 through May 31 inclusive and August 1 through December 31, 1981 inclusive.

Sport fishing is permitted on the Arapaho National Wildlife Refuge. Colorado only on areas designated by signs as being open to fishing. Information may be obtained from the refuge office and from the Office of the Area Manager.

Browns Park National Wildlife Refuge

Effective dates: January 1 through February 28 inclusive and June 16 through December 31, 1981 inclusive.

Sport fishing is permitted on the Browns Park National Wildlife Refuge, Colorado only on the areas designated by signs as being open to fishing. These open areas, Beaver Creek and the Green River, comprise 1,000 acres. Information may be obtained from the refuge office and from the Office of the Area Manager.

Utah

Bear River Migratory Bird Refuge

Effective dates: January 1 through December 31, 1981 inclusive.

Sport fishing is permitted on the Bear River Migratory Bird Refuge, Utah, only on the areas designated by signs as being open to fishing. These areas comprising 10 acres are delineated on maps available at the refuge headquarters and from the Office of the Area Manager. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(1) The use of boats is prohibited below the river control gate at refuge headquarters.

(2) Fishermen are required to register at the refuge office upon entering the refuge.

Ouray National Wildlife Refuge

Effective dates: May 30 through November 30, 1981 inclusive.

Sport fishing on the Ouray National Wildlife Refuge, Utah, is permitted in the Green River only. The Green River comprises 360 acres within the refuge. Information may be obtained from the refuge office and from the Office of the Area Manager.

Wyoming

Pathfinder National Wildlife Refuge

Effective dates: January 1 through December 31, 1981 inclusive.

Sport fishing is permitted on all areas of the Pathfinder National Wildlife Refuge, Wyoming. These areas comprising 16,807 acres are delineated on maps available at the refuge headquarters and from the Office of the Area Manager.

The provisions of these special regulations supplement the regulations which govern sport fishing in wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

Assistant Area Manager Jimmie L. Tisdale, 801/524–5631, is the primary author of these special regulations.

Note.—The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

William C. White,

Acting Area Manager, Area 5.

[FR Doc. 80-39113 Filed 12-16-80; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register

Vol. 45, No. 244

Wednesday, December 17, 1980

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Parts 701 and 741

Organization and Operations of Federal Credit Unions and Requirements for Insurance and Voluntary Termination of Insurance

AGENCY: National Credit Union Administration.

ACTION: Proposed rule.

SUMMARY: Pursuant to its authority in Section 106 (12 U.S.C. 1756) and 202(a)(1), (2) (12 U.S.C. 1782(a)(1), (2)) of the Federal Credit Union Act, the National Credit Union Administration Board has adopted the policy that each Federally insured credit union shall file a Financial and Statistical report on a semi-annual basis. This would be a change from the previous practice of requiring only an annual report. The Board has also approved the use of the current revised Forms FCU 109 (a, b, c) by all Federally insured credit unions in preparing their semi-annual call reports. DATES: Comments must be received on or before February 17, 1981.

ADDRESS: Send comments to: Robert S. Monheit, Regulatory Development Coordinator/Senior Attorney, Office of General Counsel, National Credit Union Administration, 1776 G Street, NW., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Steven R. Bisker, Office of General Counsel, or Mike Fischer, Office of Examination and Insurance, at the above address. Telephone numbers: [202] 357–1030 [Mr. Bisker], (202) 357– 1065 [Mr. Fischer].

SUPPLEMENTARY INFORMATION: On June 5, 1980, the National Credit Union Administration Board approved the policy of collecting semi-annual financial and statistical data from all Federally insured credit unions. The collection process was implemented immediately pursuant to the authority contained within § 701.13(b) of the

NCUA rules and regulations (12 CFR 701.13(b)) and Sections 106 (12 U.S.C. 1756) and 202(a)(1), (2) (12 U.S.C. 1782(a)(1), (2)) of the Federal Credit Union Act. The Board recognized that change from annual to semi-annual reporting would be beneficial in that:

(a) It would provide more current information for use by NCUA's central office and regional offices and would enable the Agency to provide more current information on credit union operations to Congress, the Federal Reserve, the Federal Financial Institutions Examination Council, the DIDC and other Agencies.

(b) Credit union managers would receive reports summarizing credit unions operations by size, location and type of membership on a semi-annual basis thereby facilitating meaningful comparisons twice a year.

(c) More timely and more useful data on individual credit unions and on the credit union industry can be made available for statistical, analytical and supervisory purposes. This would enable the Agency to be more responsive to the needs of credit unions by identifying and addressing emerging problem areas before such problems become chronic or widespread. Credit unions may be better able to meet the challenges of a volatile economy by having more timely and more accurate data available on the impact of the economy on credit unions.

The proposed regulation will amend \$ 701.13(a) to reflect the semi-annual reporting requirement for all Federal credit unions. Federal credit unions will now be required to file their financial and statistical reports computed as of December 31 on or before January 31 and to file their reports computed as of June 30 on or before July 31.

Section 741.7 is being proposed to clarify in the rules and regulations that the semi-annual reporting requirement is imposed on all Federally insured credit unions.

On August 19, 1980, NCUA published a Request for Comments in the Federal Register (45 FR 55214) soliciting comments on a form which was proposed to replace a number of existing forms (FCU 109A, Statement of Financial Condition, FCU 109B, Statement of Income, FCU 109F, Statistical Report, and FCU 109 (Comb 75), Report of Operations). These forms are currently suggested for use by

Federal credit unions in preparing their month end financial statements required by Article VIII of the Federal Credit Union Bylaws. It was also noted that the form would replace Form NCUA 5300, Financial and Statistical Report.

The Board has approved the Forms FCU 109 (a, b, c), a copy of which is provided below. The Form incorporates many of the comments received by the Agency in response to its Request for Comments.

The Board has emphasized that the Form FCU 109 (a, b, c) will be the required form for all of NCUA's periodic call reports. Although the Board has decided not to require Federal credit unions to use the new form in preparing their month end financial statements, it was noted that the use of the Forms FCU 109 (a, b, c) for the month end reports would reduce the time, expense and labor involved in preparing the semiannual reports and other call reports that NCUA might request. If the form is used for month end reporting, a credit union would satisfy the semi-annual call report requirement by simply copying its monthly forms prepared as of December 31 and June 30 and completing the one page supplement. The Board believes that Federal credit unions will voluntarily use this form because of such savings and, therefore, a mandatory use requirement is not necessary at this time.

In light of the importance of honest and accurate reporting by credit union officials, the Board feels it necessary to point out the consequences of providing false or misleading information. Under Federal law any official who makes a false entry in a report or statement of the credit union can be criminally prosecuted and imprisoned up to five years and/or fined up to \$10,000. In addition, an official may be subject to civil liability for false or misleading reporting.

Credit union officials are also exhorted to file required reports within stated time periods. Section 202(a)(3) of the Federal Credit Union Act (12 U.S.C. 1782(a)(3)) provides for a penalty of up to \$100 a day for willfully failing to file such reports.

Lastly, the proposed rule will amend Section 701.13 to include the new Forms FCU 109 (a, b, c) (with Supplement) as required forms for the semi-annual reports, as instructed by NCUA. When NCUA's data information system is fully implemented, the Forms FCU 109 (a, b, c), with a one page supplement will be used instead of the Form NCUA 5300 to satisfy the semi-annual financial and statistical report requirement. It is expected that the Form NCUA 5300 will be continued for use through at least the next reporting period ending December 31, 1980.

Accordingly, it is proposed that § 701.13 be amended and that Part 741 be amended by adding a new § 741.7 to read as set forth below.

Rosemary Brady,

Secretary, NCUA Board.

December 9, 1980.

(Sec. 120, 73 Stat, 635 (12 U.S.C. 1766) and Sec. 209, 84 Stat. 1104 (12 U.S.C. 1789))

§ 701.13 Financial and statistical and other reports.

(a) Each operating Federal credit union shall file with the National Credit Union Administration on or before January 31 and on or before July 31 of each year a semi-annual Financial and Statisticial report on Form NCUA 5300 or the current revised Forms FCU 109 (a, b, c) (with Supplement), as instructed, as of the previous December 31 and June 30. These Forms are furnished to all Federal credit unions by the Administration, and copies may be obtained from any Regional Office.

(b) When it is deemed necessary or desirable and upon written notice from the Board or Regional Director, Federal credit unions shall file, in accordance with instructions contained in such notice as to time and place, such financial or other reports as of such date or dates as shall be prescribed in such notice.

§ 741.7 Financial and Statistical and other reports.

(a) Each operating insured credit union shall file with the National Credit Union Administration on or before January 31 and on or before July 31 of each year a semi-annual Financial and Statistical report on Form NCUA 5300 or the current revised Forms FCU 109 (a, b, c) (with Supplement), as instructed, as of the previous December 31, and June 30. The Forms are furnished to all insured credit unions by the Administration, and copies may be obtained from any Regional Office.

(b) When it is deemed necessary or desirable and upon written notice, from the Board or Regional Director, insured credit unions shall file, in accordance with instructions contained in such notice as to time and place, such financial or other reports as of such date

or dates as shall be prescribed in such notice.

[FR Doc. 80-39178 Filed 12-18-80; 8:45 am] BILLING CODE 7535-01-M

FEDERAL TRADE COMMISSION 16 CFR Part 4

Disqualification of Commissioners

AGENCY: Federal Trade Commission.
ACTION: Proposed rule.

SUMMARY: Prepared in response to a recommendation of the Administrative Conference of the United States, this proposed rule specifies procedures to be followed when a participant in a Commission proceeding believes that a Commissioner ought to be disqualified from further participation in that proceeding. The proposed rule formalizes the practice long established at the Commission.

DATE: Comments are due on or before February 17, 1980.

ADDRESS: Send comments to Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Jack Schwartz, Deputy Assistant General Counsel, Federal Trade Commission, Washington, D.C. 20580, (202) 523–3521.

supplementary information: At its last plenary session, the Administrative Conference of the United States adopted Recommendation 80–4, Decisional Officials' Participation in Rulemaking Proceedings. Part of that recommendation urged agencies to adopt procedures governing motions for disqualification in rulemaking. The proposed rule that follows specifies such procedures, for adjudications and rulemakings alike. The proposed rule formalizes the practice long established at the Commission.

The proposed rule requires a participant who believes that a Commissioner ought to be disqualified to file a motion to that effect with the Secretary, supported by particularized affidavits. The motion will be rejected as untimely unless it is filed "at the earliest practicable time after the participant learns, or could reasonably have learned, of the alleged grounds for disqualification." Again following current practice, the proposed rule provides that the Commissioner whose disqualification is sought will first address the motion, and if the Commissioner declines to recuse himself or herself the full Commission will rule

upon the motion, without that Commissioner's participation.

The proposed rule does not attempt itself to embody the substantive standards governing disqualification. Because such standards have evolved in the context of particular cases, and such evolution can be expected to continue, the Commission believes it advisable not to attempt to fix such standards in its rules, but rather to incorporate by general reference the legal standards applicable to the given proceeding.

In consideration of the foregoing, the Commission proposes to amend its Rules of Practice as follows:

By adding a new § 4.16 to read as follows:

§ 4.16 Disqualification of Commissioners.

(a) Applicability.—This section applies to all motions seeking the disqualification of a Commissioner from any adjudicative or rulemaking proceeding.

(b) Procedures.—(1) Whenever any participant in a proceeding shall deem a Commissioner for any reason to be disqualified from participation in that proceeding, such participant may file with the Secretary a motion to the Commission to disqualify the Commissioner, such motion to be supported by affidavits and other information setting forth with particularity the alleged grounds for disqualification.

(2) Such motion shall be filed at the earliest practicable time after the participant learns, or could reasonably have learned, of the alleged grounds for disqualification.

(3) (i) Such motion shall be addressed in the first instance by the Commissioner whose disqualification is sought.

(ii) In the event such Commissioner declines to recuse himself or herself from further participation in the proceeding, the Commission shall determine the motion without the participation of such Commissioner.

(c) Standards.—Such motion shall be determined in accordance with legal standards applicable to the proceeding in which such motion is filed.

(15 U.S.C. 46(g)).

By direction of the Commission dated December 8, 1980.

Carol M. Thomas,

Secretary.

[FR Doc. 80-39090 Filed 12-16-80; 8:45 am]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 125 and 225

[Docket No. RM81-4]

Revisions to the Regulations Governing the Preservation of Records; Extension of Time for Comments

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Proposed rule; extension of comment period.

SUMMARY: On November 13, 1980, the Commission issued a Notice of Proposed Rulemaking involving the Revisions to the Regulations Governing the Preservation of Records (45 FR 76696, November 20, 1980). The comment period is being extended at the request of the Edison Electric Institute.

DATE: Comments must be submitted on or before February 17, 1981.

ADDRESS: Submit comments to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Plumb, Secretary (202) 357–8400.

SUPPLEMENTARY INFORMATION:

December 11, 1980.

On December 11, 1980, Edison Electric Institute filed a request for an extension of time to file comments on the Commission's Notice of Proposed Rulemaking issued November 13, 1980, in the above-docketed proceeding. The motion states that Edison Electric Institute's member companies require additional time to study the Commission's proposed rulemaking.

Upon consideration, notice is hereby given that an extension of time for the filing of comments is granted to and including February 17, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-39111 Filed 12-16-80; 8:45 am] BILLING CODE 6450-85-M

INTERNATIONAL TRADE COMMISSION

19 CFR Part 200

Proposed Amendments to Agency Ethics Rules

AGENCY: U.S. International Trade Commission.

ACTION: Proposed rulemaking.

SUMMARY: Recent regulations proposed by the Office of Government Ethics (OGE) redefine the qualifications and duties of designated agency ethics officials and list the elements of agency ethics programs. The following proposed amendments to Commission ethics regulations, 19 CFR Part 200, reflect the changes in OGE regulations. In addition. the Commission is abandoning its previous practice of requiring that its Ethics Counselor be a Commissioner. The Counselor must be a senior Commission employee with experience demonstrating the ability to coordinate and manage the program. This is in line with the practice of practically all other Government agencies. In addition, there are several technical and conforming changes reflecting the fact that Commission employees who file SF public financial disclosure report need not file confidential financial disclosure reports under Executive Order No. 11222 and subpart C of Part 200 of title 19. Code of Federal Regulations.

DATE: Comments must be received by January 15, 1981.

ADDRESS: Comments may be submitted to Honorable Bill Alberger, Chairman, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

FOR FURTHER INFORMATION CONTACT: Michael B. Jennison of the Office of General Counsel at 202-523-0189.

SUPPLEMENTARY INFORMATION: The U.S. International Trade Commission proposes to amend 19 CFR Part 200 as follows:

§§ 200.735-101 and 200.735-102 [Amended]

1. In §§ 200.735–101 and 200.735– 102(a)(b), change "U.S. Tariff Commission" to read "U.S. International Trade Commission."

§ 200.735-102 [Amended]

2. Section 200.735-102(c) is changed to read:

(c) "Employee" means a Commissioner, employee, or special Government employee of the Commission.

* * *

§ 200.735-102 [Amended]

3. Add § 200.735–102(g):

(g) "Ethics Counselor" means designated agency ethics official as defined in subpart B of Part 738, Code of Federal Regulations. 4. Section 200.735-103 is revised as follows:

§ 200.735-103 Counseling service.

(a) The Chairman shall appoint an Ethics Counselor, who serves as the Commission's designated agency ethics official and liaison to the Office of Government Ethics and who is responsible for carrying out the Commission's ethics program. The program shall be designed to implement titles II, IV, and V of the Ethics in Government Act of 1978, Executive Order No. 11222, the regulations in this part, and other statutes and regulations applicable to agency ethics matters. The Ethics Counselor will be a senior Commission employee with experience demonstrating the ability to review financial disclosure reports and counsel employees with regard to resolving conflicts of interest, review the financial disclosures of Presidential nominees to the Commission prior to confirmation hearings, counsel employees with regard to ethics standards, assist supervisors in implementing the Commission's ethics program, and periodically evaluate the ethics program.

(b) The Ethics Counselor shall select a Deputy, who will serve as alternate agency ethics official and to whom any of the Counselor's statutory and regulatory duties may be delegated.

(c) The Counselor shall coordinate and manage the agency's ethics program. The Counselor's duties shall consist of—

Liaison with the Office of Government Ethics;

(2) Review of financial disclosure reports, except that reports filed by Commissioners other than the Chairman shall be reviewed by the Chairman and the report filed by the Chairman shall be reviewed by the Vice Chairman;

(3) Initiation and maintenance of ethics education and training programs;

(4) Supervision and monitoring of administrative actions and sanctions; and

(5) Implementation of the specific program elements listed in Office of Government Ethics regulations (5 CFR 738.203(b)).

5. Section 200.735-114 is changed to read as follows:

§ 200.735-114 Employees required to submit statements.

Except as provided in 200.735–114a, the following employees shall submit confidential statements of employment and financial interests:

(a)(1) Employees in grade GS-13 or above under section 5332 of title 5, United States Code, or in comparable or higher positions not subject to that section, other than those employees who are required to file public financial disclosure reports by title III of the Ethics in Government Act of 1978.

(2) The Director of Personnel shall list all such positions, shall include the listing in the chapter of the Commission's Policy Manual pertaining to the filing of confidential statements of employment and financial interests, and shall furnish copies thereof to the Deputy Counselor and to affected employees.

(3) The Director of Personnel shall update the listing required by paragraph (a)(2) of this section and shall take all other steps required by paragraph (a)(2) as of January 1 and July 1 of each year.

(b)(1) Employees classified below GS-13 under section 5332 of title 5, United States Code, or at a comparable pay level under other authority, other than those employees who are required to file public financial disclosure reports by title III of the Ethics in Government Act of 1978, who are (i) responsible for making a decision or taking an action in regard to Commission contracting or procurement, (ii) responsible for conducting investigative and research activities where the decision to be made or action to be taken could have an economic impact on any non-Federal enterprise, or (iii) responsible for exercising the authority of any supervisory or investigative employee in the absence of such employee.

(2) The Director of Personnel, upon obtaining the advice of the General Counsel, shall be responsible for determining which positions below GS-13 meet the criteria of paragraph (b)(1) of this section. The Director of Personnel shall justify his or her determination in writing and shall submit it to the Office of Personnel Management for its approval. Upon obtaining the approval of the Office of Personnel Management, the Director of Personnel shall include the listing of these positions in the chapter of the Commission's Policy Manual pertaining to the filing of confidential statements of employment and financial interests and shall furnish copies thereof to the Deputy Counselor

and to affected employees.

(3) The Director of Personnel shall evaluate the determination under paragraph (b)(2) of this section as of January 1 and July 1 of each year. When organizational changes or personnel actions indicate that positions should be either added to or taken from the list of positions which the Director of Personnel has determined meet the criteria of paragraph (b)(1) of this section, the Director of Personnel shall make a new determination under paragraph (b)(2) of this section and shall take all other steps required by paragraph (b)(2) immediately upon the implementation of said organizational changes or personnel actions.

Issued: December 12, 1980. By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-39213 Filed 12-16-80; 8:45 am] BILLING CODE 7020-02-M

DEPARTMENT OF HOUSING AND **URBAN DEVELOPMENT**

Office of Assistant Secretary for Housing-Federal Housing Commissioner

24 CFR Parts 207, 213, 221, 232, 241 and 242

[Docket No. R-80-890]

Assurance of Completion Requirements; Multifamily Projects Covered by HUD Mortgage Insurance

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Proposed rule.

SUMMARY: This proposed rule would increase the cost of construction limit from \$500,000 to \$1,000,000 on multifamily projects covered by HUD mortgage insurance for which the mortgagor has provided certain assurance of completion. It would also broaden the scope of the present assurance of completion requirements for multifamily projects which have (1) no elevator or an elevator and five stories or less or (2) an elevator and six stories or more.

DATES: Comments due: February 17,

ADDRESS: Written comments should be submitted to the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW, Washington, D.C. 20410. Each person submitting a comment should include his/her name and address, refer to the docket number indicated by the headings, and give reasons for any recommendations. Copies of all written comments received will be available for examination by interested persons in the Office of the Rules Docket Clerk; at the address listed above.

FOR FURTHER INFORMATION CONTACT: Linda Cheatham, Office of Multifamily Housing Development, Development Division, Room 6116, Department of Housing and Urban Development, 451 7th Street, SW, Washington, D.C. 20410, (202) 755-9280. This not a toll free number.

SUPPLEMENTARY INFORMATION: This proposed rule would amend existing regulations to accommodate increased construction costs and promote the production of economically feasible multifamily housing. The Department has evaluated its existing requirements and, as a result, has determined to amend the existing rules as summarized above.

It is noted that the proposed changes to § 207.19 also apply to the following Sections of the Act:

a. Section 220; see § 220.511.

b. Section 231; see § 231.8.

c. Section 234; see § 234.560.

The proposed changes to § 221.542 also apply to Section 236 (see § 236.1)

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement Section 102(2)(c) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk at the address listed above.

This rule is not listed in the Department's semiannual agenda of significant rules, published pursuant to Executive Order 12044, as extended by Executive Order 12221.

Accordingly, the Department proposes to amend 24 CFR Chapter II, as follows:

PART 207-MULTIFAMILY HOUSING MORTGAGE INSURANCE

1. By revising § 207.19(c)(6) (i), (ii), (iii) to read as follows:

§ 207.19 Required supervision of private mortgagors.

* (c) * * * (6) * * *

(i) Where the estimated cost of construction or rehabilitation is \$1,000,000 or less, the assurance of completion will be accepted in the form of a personal indemnity agreement executed by the principal officers, directors, stockholders, or partners of the entity acting as general contractor, or by the individuals operating as the general contractor. Where the estimated cost of construction or rehabilitation is more than \$1,000,000 or where such cost is \$1,000,000 or less and a personal indemnity agreement is not executed, the assurance shall be as set forth in paragraph (c)(6)(ii) or (iii) of this section.

(ii) Where the structure contains no elevator, or where the structure contains an elevator and is five stories or less,

assurance shall be by corporate surety bonds for payment and performance. each in the amount of 25 percent of the sum of the amount of the construction contract plus an amount equal to a typical builder's profit, in cases where Builder's Sponsor's Profit and Risk Allowance (BSPRA) is applicable, or, alternatively, by a completion assurance agreement secured by a cash deposit in the amount of 15 percent of the sum of the amount of the construction contract plus an amount equal to a typical builder's profit, in cases where BSPRA is

applicable. (iii) Where the structure contains an elevator and is six stories or more, assurance shall be by corporate surety bonds for payment and performance. each in the amount of 50 percent of the sum of the amount of the construction contract plus an amount equal to a typical builder's profit, in cases where BSPRA is applicable, or, alternatively, by a completion assurance agreement secured by a cash deposit in the amount of 25 percent of the sum of the amount of the construction contract plus an amount equal to a typical builder's profit, in cases where BSPRA is applicable.

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

2. By revising § 213.27(e) (1), (2), and (3) to read as follows:

§ 213.27 Assurances of completion.

* * * (e) * * *

(1) Where the estimated cost of construction or rehabilitation is \$1,000,000 or less, the assurance of completion will be accepted in the form of a personal indemnity agreement executed by the principal officers, directors, stockholders, or partners of the entity acting as general contractor. or by the individuals operating as the general contractor. Where the estimated cost of construction or rehabilitation is more than \$1,000,000 or where such cost is \$1,000,000 or less and a personal indemnity agreement is not executed, the assurance shall be set forth in paragraph (e)(2) or (3) of this section.

(2) Where the structure contains no elevator, or where the structure contains an elevator and is five stories or less. assurance shall be by corporate surety bonds for payment and performance, each in the amount of 25 percent of the amount of the construction contract, or alternatively, by a completion assurance agreement secured by a cash deposit in the amount of 15 percent of the amount

of the construction contract.

(3) Where the structure contains an elevator and is six stories or more. assurance shall be by corporate surety bonds for payment and performance. each in the amount of 50 percent of the amount of the construction contract, or, alternatively, by a completion assurance agreement secured by a cash deposit in the amount of 25 percent of the construction contract.

PART 221-LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

3. By revising § 221.542(a) (1), (2), and (3) to read as follows:

§ 221.542 Assurance of completion.

(a) * * *

(1) Where the estimated cost of construction or rehabilitation is \$1,000,000 or less, the assurance of completion will be accepted in the form of a personal indemnity agreement executed by the principal officers. directors, stockholders, or partners of the entity acting as general contractor. or by the individuals operating as the general contractor. Where the estimated cost of construction or rehabilitation is more than \$1,000,000 or where such cost is \$1,000,000 or less and a personal indemnity agreement is not executed. the assurance shall be as set forth in paragraph (a) (2) of (3) or this section.

(2) Where the structure contains no elevator, or where the structure contains an elevator and is five stories or less, assurance shall be by corporate surety bonds for payment and performance, each in the amount of 25 percent of the sum of the amount of the construction contract plus an amount equal to a typical builder's profit, in cases where Builder's and Sponsor's Profit and Risk Allowance (BSPRA) is applicable, or, alternatively, by a completion assurance agreement secured by a cash deposit in the amount of 15 percent of the sum of the amount of the construction contract plus an amount equal to a typical builder's profit, in cases where BSPRA is applicable.

(3) Where the structure contains an elevator and is six stories or more, assurance shall be by corporate surety bonds for payment and performance. each in the amount of 50 percent of the sum of the amount of the construction contract plus an amount equal to a typical builder's profit, profit, in cases where BSPRA is applicable, or, alternatively, by a completion assurance agreement secured by a cash deposit in the amount of 25 percent of the sum of the construction contract plus an amount equal to a typical builder's

profit, in cases where BSPRA is applicable.

PART 225-MILITARY HOUSING **INSURANCE** (Sec. 803)

4. By revising § 232.56(a) (1), (2), and (3) to read as follows:

§ 232.56 Assurance of completion.

(a) * * *

(1) Where the estimated cost of construction or rehabilitation is \$1,000,000 or less, the assurance of completion will be accepted in the form of a personal indemnity agreement executed by the principal officers, directors, stockholders, or partners of the entity acting as general contractor. or by the individuals operating as the general contractor. Where the estimated cost of construction or rehabilitation is more than \$1,000,000 or where such cost is \$1,000,000 or less and a personal indemnity agreement is not executed. the assurance shall be as set forth in paragraph (a) (2) or (3) of this section.

(2) Where the structure contains no elevator, or where the structure contains an elevator and is five stories or less. assurance shall be by corporate surety bonds for payment and performance, each in the amount of 25 percent of the amount of the construction contract, or. alternatively, by a completion assurance agreement secured by a cash deposit in the amount of 15 percent of the

construction contract.

(3) Where the structure contains an elevator and is six stories or more. assurance shall be by corporate surety bonds for payment and performance. each in the amount of 50 percent of the amount of the construction contract, or, alternatively, by a completion assurance agreement secured by a cash deposit in the amount of 25 percent of the amount of the construction contract.

PART 241—SUPPLEMENTARY **FINANCING FOR INSURED PROJECT** MORTGAGE

5. By revising § 241.140(a) (1) and (2) to read as follows:

§ 241.140 Assurance of completion.

(a) * * *

(1) Where the estimated cost of construction of the improvements is \$1,000,000 or less, the borrower shall furnish the assurance of completion of the project in the form of a personal indemnity agreement executed by the principal officers, directors, stockholders, or partners of the entity acting as general contractor, or by the

individuals operating as the general contractor.

(2) Where the estimated cost of construction of the improvements is more than \$1,000,000 or where such cost is \$1,000,000 or less and a personal indemnity agreement is not executed, the assurance shall be in the form of corporate surety bonds for payment and performance, each in the amount of 25 percent of the amount of the construction contract, or, alternatively, by a completion assurance agreement secured by a cash deposit in the amount of 15 percent of the amount of the construction contract.

PART 242—MORTGAGE INSURANCE FOR HOSPITALS

6. By revising § 242.61 to read as follows:

§ 242.61 Funds and finances—insured advances—assurance of completion.

- (a) Where the estimated cost of construction or rehabilitation is \$1,000,000 or less and a Hill Burton grant or HEW guaranteed loan is not involved, the mortgagor shall furnish the assurance of completion of the project in the form of a personal indemnity agreement executed by the principal officers, directors, stockholders, or partners of the entity acting as general contractor, or by the individuals operating as the general contractor.
- (b) Where the estimated cost of construction or rehabilitation is more than \$1,000,000, or where such cost is \$1,000,000 or less and a personal indemnity agreement is not executed, and in all cases involving Hill Burton grants or HEW guaranteed loans, the mortgagor shall furnish assurance of completion in the form of the corporate surety bonds for payment and performance each in the minimum amount of 50 percent of the accepted bid price (100 percent of bid price if a Hill Burton grant or HEW guaranteed loan is involved).

(Sec. 211, National Housing Act, as amended, (12 U.S.C. 1715b))

Issued at Washington, D.C., November 14, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 80-39181 Filed 12-16-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF DEFENSE

Defense Investigative Service

32 CFR Part 294a

[DIS Reg. 20-5]

Policies and Procedures for Obtaining Information From Financial Institutions

AGENCY: Defense Investigative Service.
ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rulemaking establishes the Defense Investigative Service (DIS) policies and procedures for obtaining information from financial institutions in accordance with Pub. L. 95–630. The Right to Financial Privacy Act of 1978, and implements the provisions of 32 CFR Part 294.

DATES: Comments must be received by January 16, 1981.

ADDRESSES: Comments may be mailed to the Office of Information and Legal Affairs, Defense Investigative Service, 1900 Half Street NW., Washington, D.C. 20324

FOR FURTHER INFORMATION CONTACT: Lt. Col. Dale L. Hartig, USA, telephone 202-693-1740.

SUPPLEMENTARY INFORMATION: In FR Doc. 80–8380 appearing in the Federal Register on March 19, 1980 (45 FR 17575), the Office of the Secretary of Defense published Part 294, effective February 6, 1980, which permitted certain elements of DoD Components to request financial records from a financial institution under the Rights to Financial Privacy Act of 1978. This new part 294a of this title would constitute DIS' implementation regulation.

Accordingly, this proposes to add a new part to Title 32 of the Code of Federal Regulations which if adopted will read as follows:

PART 294a—POLICIES AND PROCEDURES FOR OBTAINING INFORMATION FROM FINANCIAL INSTITUTIONS

Sec.

294a.1 Purpose.

294a.2 References.

294a.3 Definitions.

294a.4 Policy.

294a.5 Applicability.

294a.6 Access to financial records with subject's consent.

294a.7 Access to financial records without subject's consent.

294a.8 Disclosure of information obtained from financial institutions.

294a.9 Reporting requirements (Report Control Symbol DD-COMP(A)1538).

Enclosure 1—DIS Form Letter 5. Certificate of Compliance with the Right to Financial Privacy Act of 1978

Enclosure 2—DIS Form 85. Customer Consent and Authorization for Access

Authority: 92 Stat. 3697, et seq., 12 U.S.C. 3401, et seq.

§ 294a.1 Purpose.

This rule implements the provisions of 32 CFR Part 294, and sets forth Defense Investigative Service (DIS) policy and procedures for gaining access to financial information pursuant to the Right to Financial Privacy Act of 1978 (RFPA).

§ 294a.2 References.

(a) 32 CFR Part 294

(b) Title 12, United States Code, Section 3401, et seq., Pub. L. 95–630, "Right to Financial Privacy Act of 1978."

§ 294a.3 Definitions.

Terms used in this rule are defined in 32 CFR 294.6. The definition of financial institution used in this rule includes any creditor that has extended credit to a subject (customer) of a DIS investigation.

§ 294a.4 Policy.

It is the policy of DIS, when obtaining financial records from a financial institution, to seek the written consent of the customer to whom the record pertains, unless doing so would compromise or harmfully delay a legitimate law enforcement inquiry.

§ 294a.5 Applicability.

The provisions of this rule apply to all DIS components.

§ 294a.6 Access to financial records with subject's consent.

(a) In order to review the records of a financial institution, DIS shall first obtain from the record subject a DIS Form 85, "Customer Consent and Authorization for Access," for each institution. Prior to executing DIS Form 85, the record subject must be directed to read the statement contained on the reverse side of the form. An additional DIS Form 85, original or machine copy, must be forwarded to the Special Investigations Unit (SIU) (D0400) or to the Personnel Investigations Center (PIC) (D0600), as appropriate, for permanent retention in the case file.

(b) In addition to DIS Form 85, the RFPA requires that a DIS Form Letter 5, "Certificate of Compliance with the Right to Financial Privacy Act of 1978," 1 shall be presented to the financial institution, along with the DIS Form 85, as a prerequisite to gaining access to the financial records in question. The DIS Form Letter 5 will be completed by the special agent conducting the review.

¹ Single copy may be obtained from DIS (V0020). 1900 Half Street SW., Washington, D.C. 20324.

(c) Non-DIS Credit Release Forms. Credit release forms which are submitted to the PIC for use in personnel security investigations (PSI) by various requesters may be utilized provided the release form contains all of the following elements:

Is signed and dated.

(2) Gives the name and address of the

financial institution.

(3) Identifies the particular financial record, e.g., "Account #765432," "My Automobile Loan," "My Revolving Credit Account."

(4) Contains a statement that the subject may revoke the consent anytime before disclosure.

(5) Specifies that the purpose is for PSI.

(6) Specifies that the record may be disclosed to a Special Agent of DIS, to a Special Agent of DoD, or to an Investigative Representative of DoD.

(7) Authorizes disclosure for a period

not in excess of 3 months.

(8) Contains a statement that the subject has read an explanation of his/ her rights under the RFPA.

§ 294a.7 Access to financial records without subject's consent.

When the subject of a PSI declines to furnish the DIS Form 85, no additional effort will be made to gain access to the subject's financial records. When the subject of a law enforcement inquiry declines to furnish his/her consent, or if a determination is made that use of this procedure would have any of the adverse results reflected in the Note below, the following alternative means may be used to gain access to the records, but only at the express direction and guidance of D0400. Cognizant legal counsel will be consulted by D0400 whenever use of one of the alternate means is contemplated.

(a) Formal Written Request Procedure. DIS may issue a formal written request for financial records when the records sought are relevant to a legitimate law enforcement inquiry. In this procedure, the "Formal Written Request" (see Enclosure 3 of 32 CFR Part 294) is presented to the financial institution, while at the same time or before, the subject is furnished a notice of the request (see Enclosure 5 of 32 CFR Part 294) which contains instructions on how the subject, if he/she chooses, may take court action to prevent disclosure. Depending on the method of notice, the subject has 14 to 18 days to file a challenge. If the subject fails to file a challenge within the specified time, or if a challenge is adjudicated in favor of DIS, a DIS Form Letter 5 is then presented to the financial institution for access to the records. The Director,

D0400, will execute the "Formal Written" Request," the notice to the subject, and the DIS Form Letter 5 referred to above.

(b) Search Warrant Procedure. DIS may, under Rule 41 of the Federal Rules of Criminal Procedure, obtain a search warrant in appropriate cases. A DIS Form Letter 5 must accompany the search warrant when it is presented to the financial institution to obtain the financial records. Within 90 days of serving the search warrant, the subject must be mailed a copy of the search warrant and the notice set forth in 32 CFR 294.9(a)(2)(ii). No search warrant signed by an installation commander or military judge shall be used to gain access to financial records in any state or territory of the United States, or in the District of Columbia, Puerto Rico. Guam, American Samoa, or the Virgin Islands.

(c) Emergency Access Procedure. This method will be used when a determination is made that a delay in obtaining access to the subject's financial records, would create an imminent danger of:

(1) Physical injury to any person.

(2) Serious property damage. (3) Flight to avoid prosecution.

When this procedure is used, a DIS Form Letter 5, is presented to the financial institution. Within 5 days of gaining access to the financial records, a signed sworn statement is submitted for filing with the appropriate court setting forth the grounds for emergency access. After filing the statement, the subject must be personally served or mailed a copy of the DIS Form Letter 5 and the notice indicated in 32 CFR 294.11(c). The Director, D0400, will execute the sworn statement and DIS Form Letter 5 referred to above.

Note.-If one or more of the conditions set forth below is present, a delay of notice to the subject (see 32 CFR 294.12) may be obtained when using any of the 3 procedures described above. Upon expiration of the delay of notice, the DIS office that obtained the financial records shall personally serve. or mail to the subject, a copy of the request and the appropriate notice in 32 CFR 294.12(c)(1), (c)(2), or (c)(3). A delay of notice may be granted by a court of competent jurisdiction only when not obtaining the delay of notice would result in:

(i) Endangering the life or physical safety of any person.

(ii) Flight from prosecution.

(iii) Destruction of or tampering with

(iv) Intimidation of potential witnesses.

(v) Otherwise seriously jeopardizing an investigation or official proceeding or unduly delaying a trial or ongoing official proceeding to the same degree as the circumstances in Paragraph (c)(3) (i) through (iv) of this section.

(d) Judicial Subpoena Procedure. Financial records may also be obtained through use of a judicial subpoena issued in connection with a pending judicial proceeding to include subpoenas issued under paragraph 115 of the Manual for Courts Martial and Article 46 of the Uniform Code of Military Justice. DIS Form Letter 5 must accompany the judicial subpoena when it is presented to the financial institution to obtain the financial records.

§ 294a.8 Disclosure of information obtained from financial institutions.

(a) Release for PSI Purposes. Financial record information acquired pursuant to the provisions of the RFPA shall not be released outside of the DoD

for PSI purposes.

(b) Release for Special Purposes. Financial record information may be released to federal agencies authorized to conduct foreign intelligence of foreign counterintelligence activities or to the U.S. Secret Service in conjuction with its protective functions without notifying the subject.

(c) Release for Law Enforcement Purposes. Financial record information may be released to a federal agency in connection with a legitimate law enforcement inquiry. The Director, D0400, is authorized to release financial record information from all pending D0400 cases and the Chief, Office for Information and Legal Affairs (D0020). will make releases in all other instances.

(1) When financial record information is released, the releasing official shall certify in writing that there is reason to believe the records are relevant to a legitimate law enforcement inquiry within the jurisdiction of the receiving agency. This certificate will be retained in the subject's case file.

(2) Within 14 days of the release, or upon expiration of a delay of notice (see 32 CFR 294.12), the subject shall be personally served or mailed, to his/her last known address, a copy of the above certificate and the notice contained in 32

CFR 294.13(c).

(d) Restrictive Legend. The following caveat will be placed in each Report of Investigation which contains financial record information obtained under this regulation.

Financial record information reported herein was obtained pursuant to the Right to Financial Privacy Act of 1978, 12 U.S.C. 3401 et seq., and may not be transferred to another federal agency or department without prior compliance with the transferring requirements of 12 U.S.C. 3412.

§ 294a.9 Reporting requirements (Report Control Symbol DD-COMP(A)1538).

(a) D0600 Controlled Investigations. Each region will submit to D0020 by the fifteenth of the month following the end of the quarter the number of requests for access to financial institutions and the number of refusals by financial institutions to grant access. Include Report Control Symbol (RCS) number in the subject line of your report.

(b) D0400 Controlled Investigations. D0400 will submit to D0020 within the same time frame outlined above the following information:

(1) The number of requests for access by type, e.g., "Customer Consent and Authorization for Access," "Formal Written Request," "Emergency Access,"

(2) The number of refusals by financial institutions to grant access by the type of authorization.

(3) The number of challenges to access and whether those were successful.

(4) The number of applications for delay of notice, the number granted, and the names of the officials requesting such delays.

(c) D0020 will be responsible for consolidating the information received pursuant to § 294a.9(a) and (b), determining the number of transfers to agencies outside of the DoD, the number of challenges to the transfer of information and whether the challenges were successful, and preparing the agency report required by the Defense Privacy Board.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

December 10, 1980.

Enclosure 1

Defense Investigative Service, 1900 Half Street, S.W.

Washington, D.C., Date ---

Subject: Certificate of Compliance with the Right to Financial Privacy Act of 1978.

To: -

1. I certify, pursuant to section 3403(b) of
the Right to Financial Privacy Act of 1978, 12
U.S.C. 3401 et seq., that the applicable
provisions of that statute have been complied
with as to the (Customer's Consent) (Search
Warrant) (Judicial Subpoena) (Formal
Written Request) (Emergency Access)
presented on ______ for the following
financial records of _____:

2. Pursuant to section 3417(c) of the Right to Financial Privacy Act of 1978, good faith reliance upon this certificate relieves your institution and its employees and agents of any possible liability to the customer in connection with the disclosure of these financial records.

(Signature) — (Name of Special Agent, DIS) —

Telephone BILLING CODE 3810-70-M

Enclosure 2

CUSTO	MER CONSENT AND AUTHORIZATION FOR	ACCESS
	3404(a) of the Right to Financial Privacy Act of	
	having read the explanation of my rights on	the reverse side, hereby
authorize the		to
The state of the s	Agent of the Department of Defense in connect a law enforcement inquiry) the following financia	
my records, as describ	this authorization may be revoked by me in writed above, are disclosed, and that this authorization the date of my signature.	A STATE OF THE PARTY OF THE PAR
NAME: (Last, First, M	. L.)	
ADDRESS: (City, Stat	e, Zip Code)	
DATE:	SIGNATURE:	

DIS Form 85

STATEMENT OF CUSTOMER RIGHTS UNDER THE RIGHT TO FINANCIAL PRIVACY ACT OF 1978

Federal law protects the privacy of your financial records. Before banks, savings and loans associations, credit unions, credit card issuers, or other financial institutions may give financial information about you to a federal agency, certain procedures must be followed.

LONSENT TO FINANCIAL RECORDS

You may be esked to consent to the immedial institution making your financial records available to the Government. You may withhold your consent, and your consent is not recorded as a condition of doing business with any financial institution. If you give your consent, it can be revoked in writing at any time before your records are disclosed. Furthermore, any consent you give is effective for only three months, and your financial institution must keep a record of the instances in which it discloses your financial information.

WITHOUT YOUR CONSENT

Without your consent, a federal agency that wants to see your financial records may do so ordinarily only by means of a lawful suppose, summons, formal written request, or search source for that purpose. Generally, the federal agency must give you advance notice of its request for your records explaining why the information is being sought and telling you how to object in court. The federal agency must able send you copies of court door nowls in the propared by you with instructions for filing them out. While these procedures will be kept as simple as possible, you may want to consult an afterney before making a challenge to a federal agency's request.

EXCEPTIONS

In some circumstances, a federal agency may obtain financial information about you without advance notice of your consent. In most of these cases, the federal agency will be required to go to court for permission to obtain your records without giving you notice beforehand. In these instances, the court will make the Government show that its investigation and request for the records are proper. When the reason for the delay of notice no longer exists, you will osually be notified that your records were obtained.

TRANSFER UP INFORMATION

Generally, a faderal agency that obtains your financial records is prohibited from consterring them to another federal agency unless it certifies in writing that the trensfer is proper and sends a natice to you that your records have been sent to another agency.

PENALTIES

If the federal agency or fundament institution violates the Hight to Financial Private Act, you may sue for damages or seek compliance with the faw. If you win, you may be repard for your atterney's fee and cost.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-6-FRL 1703-2]

Approval and Promulgation of Implementation Plans; Proposed Approval of New Mexico Variance for Phelps Dodge Corp., Playas, New Mexico

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule.

summary: This notice proposes approval of a request from the State of New Mexico to revise its State Implementation Plan to include a variance for Phelps Dodge Corporation, Hidalgo Smelter in Playas, New Mexico.

The period of variance as requested by Phelps Dodge, appears reasonable and necessary for the installation of the new scrubbing system. The modeling analysis submitted indicates that the ambient air standards for the TSP will not be exceeded.

DATES: Comments must be received on or before January 16, 1981.

ADDRESSES: Submit comments to: Air Programs Branch, Environmental Protection Agency, Region 6, 1201 Elm Street, Dallas, Texas 75270.

FOR FURTHER INFORMATION CONTACT: Jerry M. Stubberfield, Chief, Implementation Plan Section, Air and Hazardous Materials Division, Environmental Protection Agency, Region 6, Dallas, Texas 75270, (214) 767– 1518.

SUPPLEMENTARY INFORMATION:

Background

Section 110(3)(A) of the Clean Air Act, amended 1977, directs the Administrator to approve revision of any implementation plan applicable to an air quality control region, if he determines the plan has been adopted by the State after reasonable notice and public hearings, and that it includes emission limitations, schedules, and timetables for compliance with such limitations and such other measures as may be necessary to insure attainment and maintenance of the air quality standards.

New Mexico State Variance

The variance under consideration for approval is for the Phelps Dodge, Hidalgo Smelter located in Playas, New Mexico. On January 11, 1980, after adequate notice and public hearing, the Variance Order from New Mexico Air Quality Control Regulation No. 506, Non-Ferrous Smelters—Particulate Matter, was granted to Phelps Dodge Corporation by the New Mexico Environmental Improvement Board.

On February 4, 1980, the New Mexico **Environmental Improvement Division** submitted to EPA a Variance Order from Air Quality Control Regulation 506 which will result in an average particulate emission of 1.02 grains per dry cubic foot. The requested period of variance is from June 1, 1979 to June 1, 1980. EPA's review of the variance has shown that the compliance schedule contains legally enforceable increments of progress, the plan demonstrates compliance with ambient standards and the dispersion modeling indicates that there will be no violation of ambient air quality standards. The control strategy consists of installation of a new gas scrubbing system to treat the off-gases from the electric slag cleaning furnace before discharge to the atmosphere. Based upon this review, EPA proposes to approve the variance granted by the State as a revision to the New Mexico State Implementation Plan.

Note.—Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized."

I have reviewed this regulation and

I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This notice of proposed rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended, 42 U.S.C. 7410.

Dated: December 2, 1980. Frances E. Phillips,

Acting Regional Administrator.

[FR Doc. 80-39176 Filed 12-16-80; 8:45 nm]

BILLING CODE 6560-38-M

40 CFR Part 81

[A-5-FRL 1704-8]

Designation of Areas for Air Quality Planning Purposes; Attainment Status Designations Ohio, Extension of Comment Period

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Notice of Extension of Comment Period.

SUMMARY: The USEPA is giving notice that the comment period provided in the October 17, 1980 Federal Register (45 FR 68978) for the proposed redesignation, for carbon monoxide, of Summit and

Lucas Counties, Ohio is being extended for Lucas County only, from November 17, 1980 to December 23, 1980.

DATE: Comments are now due on or before December 23, 1980.

ADDRESSES: SEND COMMENTS TO: Gary Gulezian, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Richard Clarizio, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886–6035.

SUPPLEMENTARY INFORMATION: In the October 17, 1980 Federal Register (45 FR 68978) the USEPA proposed to change the air quality designations for Summit and Lucas Counties, Ohio from nonattainment to unclassifiable for carbon monoxide. A thirty day public comment period, until November 17,

1980 was provided.

During the public comment period, USEPA received extensive comments on the proposed redesignation of Lucas County. In addition to these comments USEPA received a request to extend the period for submission of comments on the proposed redesignation of Lucas County, Ohio. No such request was made for Summit County, Ohio. USEPA has reviewed the request and has decided to extend from November 17, 1980 to December 23, 1980, the period for submission of comments on the redesignation of Lucas County, Ohio. Since no such request was made for Summit County, the public comment period is not being extended for this County. It should be noted that final rulemaking on the Summit County redesignation will appear in the Federal Register prior to and independent of final rulemaking on the Lucas County redesignation.

Dated: December 8, 1980.

John McGuire,

Regional Administrator.

[FR Doc. 80-39175 Filed 12-16-80; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Parts 264 and 265

[SWH-FRL 1703-1]

Hazardous Waste Disposal Facilities; Availability of Information

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability of information and request for comments.

SUMMARY: The Environmental Protection Agency (EPA) is today making available

drafts of four Technical Resource Documents for public comment. These documents are being developed to assist in the implementation of 40 CFR Parts 264 and 265 regulations concerning hazardous waste disposal facilities (landfills, surface impoundments, and land treatment facilities). The Part 265 regulations are the interim status standards applicable to hazardous waste facilities in existence as of November 19, 1980 until the facilities are either closed or their permit application is acted upon. The Part 264 regulations are the permit standards applicable to new and existing hazardous waste facilities under permit. The Agency is developing a number of Technical Resource Documents to provide information on hazardous waste technologies and on techniques for evaluating facility designs and potential performance. These documents may be used as guidance by owners and operators of interim status facilities. particularly for closure and post-closure care considerations. These documents will also assist the owner/operator and permit officials to identify and evaluate technologies which can be used to control potential adverse effects on human health and the environment and to comply with the Part 264 regulations. The Technical Resource Document drafts being made available today are:

 Evaluating Cover System for Solid and Hazardous Waste (SW-867)
 Hydrologic Simulations on Solid Waste Disposal Sites (SW-868)

 Landfill and Surface Impoundment Performance Evaluation (SW-869)
 Lining of Waste Impoundment and Disposal Facilities (SW-870)

DATES: Comment on these reports are due no later than 90 days after the Part 264 disposal facility regulations are published in the Federal Register.

ADDRESSES: Comments should be addressed to Deborah Vallari, Docket Clerk, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460. Communications should identify the regulatory docket (Section 3004) and document title. For example: "Section 3004: Manual for Evaluating Cover for Hazardous Waste".

Copies of these reports are available for reading at the EPA Library Public Information Reference Unit (Room 2404) and Subtitle C Docket Room (Room 2711), both located at 401 M Street, SW, Washington, D.C., and at all Regional Office Libraries during the hours of 9:00 a.m. to 4:30 p.m., Monday through Friday,

Single copies of these documents are also available from Ed Cox, Solid Waste

Information, U.S. EPA, 26 West St. Clair Street, Cincinnati, Ohio 45268, [513] 684– 5362. If available copies run out, the Agency may charge \$0.20 per page for photocopying.

FOR FURTHER INFORMATION CONTACT: Les Otte, Office of Solid Waste (WH-564), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 755–9125.

SUPPLEMENTAL INFORMATION: On May 19, 1980, EPA published Interim Status Standards (40 CFR Part 265) for disposers of hazardous waste under Section 3004 of RCRA. In §§ 265.112(c) and 265.118(c) of those regulations, EPA requires the Closure and Post-Closure Plans for a disposal facility be approved by the EPA Regional Administrator. The objectives to be addressed in these plans are specified in §§ 265.111, 265.228, 265.280 and 265.310. It is expected that the Technical Resource Documents, together with other available information, will be used by the Regional Administrator to confirm the technical adequacy of the design in meeting the control objectives in the closure and post-closure plans.

Also on May 19, 1980 EPA published administrative portions of 40 CFR Part 264. In the near future EPA will publish disposal facility standards for Part 264.

The Agency is preparing an information package for permit officials responsible for hazardous waste landfills, surface impoundments and land treatment facilities under Section 3004. This package will consist of Permit Writer's Guidance Manuals and Technical Resource Documents. Permit Writer's Guidance Manuals are being developed to assist the permit official in evaluating site specific control objectives and will reference the Technical Resource Documents noticed today for specific technical information. The Technical Resource Documents will assist the permit official in reviewing applications by describing (1) technologies which applicants may propose to use and (2) techniques to evaluate technologies which applicants may propose to use to control potential adverse effects on human health and the environment. Additional Technical Resource Documents are being planned, as well as periodic review and update of the current documents.

The purpose of this notice is to announce the availability of four of the Technical Resource Documents for public comment on the accuracy and usefulness of the information presented. These documents are being noticed before the regulations are promulgated in order to allow more time for review. The technologies identified in these

documents are generally not specifically required in the regulations, but are pertinent to designing facilities or evaluating designs for compliance with the regulations. This is not to be construed as a reopening of the comment period on the Agency's Section 3004 regulations; and commenters should limit their comments accordingly.

Dated: December 10, 1980.

Steffen W. Plehn.

Deputy Assistant Administrator for Solid Waste.

[FR Doc. 80-39212 Filed 12-16-80: 8:45 am] BILLING CODE 6560-30-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-5749]

National Flood Insurance Program; Revision of Proposed Flood Elevation Determinations; Illinois

AGENCY: Federal Insurance Administration, FEMA. ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Burr Ridge, Du Page County, Illinois.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in the Suburban Life on September 6, 1980 and September 13, 1980, and at 45 FR 60454 on September 12, 1980, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above named community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program (202) 426–1460 or Toll Free Line (800) 424–8872 (In Alaska and Hawaii call Toll Free Line (800) 424– 9080), Federal Emergency Management Agency, Washington, D.C. 20472,

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the Village of Burr Ridge, Du Page County, Illinois, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the

Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4 (a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the

community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be

used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	ground. *Elevation in feet (NGVD)
ug.	(V), Burr Ridge, Du Page County	63rd Street Ditch	Eastern corporate limits	*64
•	W. Cheminass er har random		Just upstream of pond outlet	*64
			Just upstream of pond inlet	*653
			Just downstream of County Line Road	*66
			Just upstream of County Line Road.	*67
			Downstream side of Elm Avenue	*67
			About 150 feet downstream of Garfield Avenue	*68
			About 150 feet upstream of Garfield Avenue	*68
			About 150 feet upstream of Grant Street	*69
			About 700 feet upstream of Grant Street	*69
			About 200 feet downstream of Madison Street	*7
			Just downstream of Madison Street	*71
		79th Street Ditch	At downstream corporate limits	*6
			Just downstream of private drive	*68
			Just upstream of private drive	*68
			Just upstream of County Line Road	*69
			Just upstream of Hamilton Avenue	*6
			About 1,000 feet upstream of Hamilton Avenue	*69
		Plainfield Road Ditch	Eastern corporate limits	*63
			About 1,100 feet downstream of Hillcrest Circle	*6
			Just downstream of Hillcrest Circle	*6
			Just downstream of Shady Lane Road	*6
			About 75 feet upstream of Shady Lane Road	*6
			Just downstream of County Line Road	*6
			Just upstream of County Line Road	*68
			About 300 feet upstream of County Line Road	*65
			Just downstream of International Harvester entrance road	*69
			Just upstream of International Harvester entrance road	*70
			About 3,950 feet upstream of International Harvester entrance road	*70

Send comments to Honorable Leonard Ruzak, Village President, Village of Burr Ridge, Village Hall, 220 West 75th Street, Burr Ridge, Illinois 60521

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: November 24, 1980.
Gloria M. Jimenez,
Federal Insurance Administrator.
[FR Doc. 80-38889 Filed 12-16-80; 8:45 am]
BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5920]

National Flood Insurance Program; Proposed Flood Elevation Determinations, Correction; Illinois

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the City of Wilmington, Will County, Illinois. previously published at 45 FR 67704 on October 14, 1980.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert G. Chappell, National Flood
Insurance Program. (202) 426–1460 or
Toll Free Line (800) 424–8872 (In Alaska
and Hawaii call Toll Free Line (800) 424–
9080), Federal Emergency Management
Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100year) flood elevations for selected locations in the Wilmington, Will County, Illinois previously published at 45 FR 67704 on October 14, 1980, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001– 4128, and 44 CFR 67.4(a)).

Under the Source of Flooding of Forked Creek, the location described as. "About 2,250 feet upstream of James Street," and its corresponding elevation. 547 feet, have been changed. The location should read, "About 1,500 feet upstream James Street," and the corresponding elevation should be 546 feet.

Also under Forked Creek, the location described as, "About 9,350 feet upstream James Street," with a corresponding elevation of 550 feet should be added as the last entry. The listing appears correctly as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Illinois	(c), Wilmington, Will County F		About 1,500 feet upstream James Street. About 9,350 feet upstream James Street.	*546 .*550

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: November 12, 1980.
Gloria M. Jimenez,
Federal Insurance Administrator.
[FR Doc. 80-38890 Filed 12-16-80: 8:45 um]
BULING CODE 67:8-03-M

44 CFR Part 67

[Docket No. FEMA-5920]

National Flood Insurance Program; Proposed Flood Elevation Determinations, Correction; Indiana

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Unincorporated Areas of Adams County, Indiana, previously published at 45 FR 67705 on October 14, 1980.

EFFECTIVE DATE: December 17, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program. (202) 426–1460 or Toll Free Line (800) 424–8872 (In Alaska and Hawaii call Toll Free Line (800) 424– 9080), Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100year) flood elevations for selected locations in the Unincorporated Areas of Adams County, Indiana previously published at 45 FR 67705 on October 14. 1980, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a)).

Under the Source of Flooding of St. Mary's River, the location described as, "Downstream county boundary," has been changed. The location should read, "About 5,000 feet downstream confluence of Holthouse Ditch." The corresponding elevation 787 feet remains unchanged.

Under the Source of Flooding of Wabash River, the location described as, "About 400 feet upstream Conrail" and its corresponding elevation, 827 feet, have been changed. The location should read, "About 2,000 feet upstream Conrail" and the corresponding elevation should be 830 feet,

Under the Source of Flooding of Borum Run, the location described as, "Just upstream of U.S. Highway 33," has been changed. The location should read, "Just upstream of U.S. Route 33." The corresponding elevation 791 feet remains unchanged. The listing appears correctly as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Indiana:		YEGUGGE PLYCE	About 5,000 feet downstream confluence of Holthouse Ditch	*787 *830 *791

[National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance

Issued: November 12, 1980. Gloria M. Jimenez, Federal Insurance Administrator,

[FR Doc. 80-38891 Filed 12-16-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5843]

National Flood Insurance Program; Proposed Flood Elevation Determinations, Correction; Indiana

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Unincorporated Areas of Lake County, Indiana, previously published at 45 FR 67692 on October 14, 1980.

EFFECTIVE DATE: December 17, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line (800) 424–8872 (In Alaska and Hawaii call Toll Free Line (800) 424– 9080), Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Unincorporated Areas of Lake County, Indiana previously published at 45 FR 67692 on October 14, 1980, in accordance with Section 110 of the Flood Disaster Protection Act of 1973

(Pub. L. 93–234), 87 Stat. 980, which added 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)).

Under the Source of Flooding of Main Beaver Dam Ditch, the location described as, "Just upstream of Conrail located 0.13 mile upstream of Crown Point corporate limits," has been changed. The location should read, "Just upstream of Conrail located 1.3 miles upstream of Crown Point corporate limits." The corresponding elevation 690 feet remains unchanged.

Also under Main Beaver Dam Ditch, the location described as, "Just downstream of Dyer Road," has been changed. The location should read, "Just downstream of 101st Avenue." The corresponding elevation 700 feet remains unchanged. Under the Source of Flooding of Cedar Creek, the location described as, "About 1,300 feet upstream of 126th Avenue," has been changed. The location should read, "About 1,300 feet upstream of 176th Avenue." The corresponding elevation 672 feet remains unchanged.

Under the Source of Flooding of Shilling Ditch, the first three location descriptions reference the downstream Schererville corporate limits. These have all been changed to the upstream Schererville corporate limits. All corresponding elevations remain unchanged.

Also under Shilling Ditch, the location described as, "About 1,350 feet upstream of private drive," has been changed. The location should read, "About 2,060 feet upstream of upstream Schererville corporate limits." The corresponding elevation 662 feet remains unchanged.

Under the Source of Flooding of Singleton Ditch, the two location descriptions which reference State Highway 2 have been changed to reference State Route 2.

Under the Source of Flooding of East Branch Stony Run, the location described as, "About 3,200 feet upstream of Conrail," has been changed. The location should read, "About 1.0 mile upstream of 129th Avenue." The corresponding elevation 718 feet remains unchanged.

The Source of Flooding listed as East Branch Stony Run Tributary ES should be Stony Run Tributary ES.

Under the Source of Flooding of West Creek Tributary WS, the location described as, "Just upstream of downstream 165th Avenue," has been changed. The location should read, "Just upstream of 165th Avenue." The corresponding elevation 674 feet remains unchanged.

The accompanying Flood Insurance Study (profile) and Flood Insurance Rate Map were correct as printed. The listing appears correctly as follows:

State	City/town county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Indiana	(Uninc.). Lake County	Main Beaver Dam Ditch	Just upstream of Conrail located 1.3 miles upstream of Crown Point corporate limits. Just downstream of 101st Avenue	*690 *700 *672 *651 *656 *659 *662
		East Branch Stony Run	About 3,200 feet downstream of State Route 2 Just upstream of State Route 2 About 1.0 mile upstream of 129th Avenue Just upstream of 165th Avenue	*650 *654 *718 *674

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 [33 FR 17804, November 28, 1968], as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: November 12, 1980. Gloria M. Jimenez, Federal Insurance Administrator. IFR Doc. 80-38892 Filed 12-16-80: 8:45 am

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5954]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Minnesota and Puerto Rico

AGENCY: Federal Insurance Administration, FEMA. ACTION: Proposed rule.

summary: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below and proposed changes to base flood elevations for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be

ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert G. Chappell, Federal
Emergency Management Agency,
Federal Insurance Administration,
National Flood Insurance Program, (202)
426–1460 or Toll Free Line (800) 424–8872
(In Alaska and Hawaii call Toll Free
Line (800) 424–9080), Washington, D.C.
20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with Section 110 and Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and

Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4 (presently appearing at its former Title 24, Chapter 10, Part 1917.4).

These elevations, together with the flood plain management measures required by § 60.3 (formerly § 1910.3) of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-Year) Flood Elevations

State City/town/county	Source of flooding	Location	#Depth feet above ground. *Elevation in feet (NGVD)
nnesota (C), Bloomington, Hennepin	Nine Mile Creek	About 80 feet upstream of Old Shakopee Road	*790
County.		Just upstream of the Minneapolis, Northfield and Southern Railway	*792
		About 280 feet upstream of West 102nd Street	*79
		About 120 feet downstream of West 98th Street	*79
		Just upstream of Marsh Lake Weir	*80
	Minnesota River	At northeastern corporate limits	*71
		About 1.8 miles upstream of Cedar Avenue	*710
		About 0.9 mile upstream of confluence of Nine Mile Creek	*71
		About 1,200 feet upstream of Minneapolis, Northfield and Southern Railway.	*72
		At the southwestern corporate limits	*72
	Bush Lake	Entire shoreline	*83
monwealth of Puerto Rico Rio Fajardo Basin	Rio Fajardo	20 meters upstream of intersection of Rio Fajardo and Puerto Rico	*10.
	Atlantic Ocean	Highway 3. At mouth of Rio Fajardo	*10.4
Maps available for inspection at Puerto Rico Planning Board, Send comments to Honorable Carlos Romero Barcelo, La Fo	Atlantic Ocean	Highway 3. At mouth of Rio Fajardo	
Maps available for inspection at Puerto Rico Planning Board, Send comments to Honorable Carlos Romero Barcelo, La Fo	Atlantic Ocean	Highway 3. At mouth of Rio Fajardo	*3.
Maps available for inspection at Puerto Rico Planning Board, Send comments to Honorable Carlos Romero Barcelo, La Fo	Atlantic Ocean	Highway 3. At mouth of Rio Fajardo	*10.
Maps available for inspection at Puerto Rico Planning Board, Send comments to Honorable Carlos Romero Barcelo, La Fo	Atlantic Ocean	Highway 3. At mouth of Rio Fajardo	*10. *53.
Maps available for inspection at Puerto Rico Planning Board, Send comments to Honorable Carlos Romero Barcelo, La Fo	Atlantic Ocean	Highway 3. At mouth of Rio Fajardo	*10. *53.
Maps available for inspection at Puerto Rico Planning Board, Send comments to Honorable Carlos Romero Barcelo, La Fo	Atlantic Ocean	Highway 3. At mouth of Rio Fajardo	
Maps available for inspection at Puerto Rico Planning Board, Send comments to Honorable Carlos Romero Barcelo, La Fo	Atlantic Ocean	Highway 3. At mouth of Rio Fajardo	*10. *53. *77.
Maps available for inspection at Puerto Rico Planning Board, Send comments to Honorable Carlos Romero Barcelo, La Fo	Atlantic Ocean	Highway 3. At mouth of Rio Fajardo	*10. *53. *77. *47.
Maps available for inspection at Puerto Rico Planning Board, Send comments to Honorable Carlos Romero Barcelo, La Fo	Atlantic Ocean	Highway 3. At mouth of Rio Fajardo	*3. *10. *53. *77. *47. *9.
Maps available for inspection at Puerto Rico Planning Board, Send comments to Honorable Carlos Romero Barcelo, La Fo	Atlantic Ocean	Highway 3. At mouth of Rio Fajardo	*3. *10. *53. *77. *47. *9. *58.
Maps available for inspection at Puerto Rico Planning Board, Send comments to Honorable Carlos Romero Barcelo, La Fo	Atlantic Ocean	Highway 3. At mouth of Rio Fajardo	*10. *53. *77. *47. *9. *58. *60.

Proposed Base (100-Year) Flood Elevations-Continued

State City/town	/county Source of flooding	Location	#Depth i feet abov ground. *Elevatio in feet (NGVD)
			*234.0
		10 meters downstream of intersection of Rio Caguitas and center of Turatio Main Street.	*52.8
		48 meters downstream of intersection of Rio Caguitas Tributary 1 and center of Puerto Rico Highway 52.	*70.0
			. *64.7
	Rio Turabo	Intersection of Calle B and Calle Govco	*59.1
	Rio Herrera	25 meters upstream of intersection of Rio Herrera and center of Puerto Rico Highway 3.	*10,7
	Atlantic Ocean	At Boca de Cangrejos	*1.6
Send comments to Honorable Carlos Romero Bommonwealth of Puerto Rico Rio Mameyes Basi	n Bio Mameyes	35 meters downstream of intersection of Rio Mameyes and Puerto Rico Hiohway No. 3:	*8.2
		At mouth of Rio Mameyes	
	nning Board, Minillas Government Center, No	rth Building: 14th Floor, Santurce, Puerto Rico.	
Maps available for inspection at Puerto Rico Pla			
Maps available for inspection at Puerto Rico Pla Send comments to Honorable Carlos Romero B			
	arcelo, La Fortaleza, San Juan, Puerto Rico 0		*16.
Send comments to Honorable Carlos Romero B	r		*16. *11.
Send comments to Honorable Carlos Romero B	n	Intersection of Rio Maunabo and Puerto Rico Highway 3	*7, *16, *11, *7,
Send comments to Honorable Carlos Romero B	n	Intersection of Rio Maunabo and Puerto Rico Highway 3	*16. *11.
Send comments to Honorable Carlos Romero B	n	Intersection of Rio Maunabo and Puerto Rico Highway 3	*16. *11. *7

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: November 21, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-38886 Filed 12-16-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5787]

National Flood Insurance Program; Revision of Proposed Flood Elevation Determinations; New Hamsphire

AGENCY: Federal Insurance Administration, FEMA. ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Lancaster, Coos County, New Hampshire.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in the *Coos County Democrat* on March 5, 1980, and March 12, 1980, and in the Federal Register at 45 FR 15223 on March 10, 1980, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in each community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Town Offices, Lancaster, New Hampshire.

Send comments to: Honorable Larry T. Connary, Chairman of the Lancaster Board of Selectmen, Town Offices, Lancaster, New Hampshire 03584.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program, (202) 426–1460 or Toll Free Line (800) 424– 8872, Washington, D.C. 20472.

supplementary information: Proposed base (100-year) flood elevations are listed below for selected locations in the Town of Lancaster, Coos County, New Hampshire, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations are:

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. * Elevation in feet (NGVD)
lew Hampshire	Lancaster, Town, Coos County	Connecticut River	Downstream Corporate Limits	*848
	THE RESERVE OF THE PROPERTY OF THE PARTY OF		Upstream of South Lancaster Covered Bridge	*850
			Upstream of U.S. Route 2	*852
			Upstream Corporate Limits	*854
		Israel River		*852
			Downstream of Main Street	*859
			Upstream of Main Street	*867
			Downstream of Mechanic Street	*879
			Upstream of Mechanic Street	*885
			Upstream of Boston & Maine Railroad	*922
		Ottor Break	Confluence of Otter Brook	*924
		Otter Brook		*924
			Upstream of North Road	*933
			Upstream of Garland Road	*964
		Burnside Brook		*972
		Duriside Diode	Upstream of Grange Road	*976
			Confluence of Whipple Brook	985
		Whipple Brook		*985
			2,000 feet upstream of confluence with Burnside Brook	*998
			4,000 feet upstream of confluence with Burnside Brook	*1,009
Control of the last of the las			6,000 feet upstream of confluence with Burnside Brook	*1,021
		Caleb Brook	Confluence with Otter Brook	972
			2,000 feet upstream of confluence with Otter Brook	*983
			Upstream of most downstream crossing of Grange Road	*1.006
			2,000 feet upstream of most downstream crossing of Pleasant Valley Road.	*1,029
			Upstream of middle crossing of Pleasant Valley Road	*1,052
			2,000 feet upstream of middle crossing of Pleasant Valley Road	*1,076
			4,000 feet upstream of middle crossing of Pleasant Valley Road	33,311
			6,000 feet upstream of middle crossing of Pleasant Valley Road	*1,146
			Upstream of McGary Road	*1,180
		Redman Brook	Upstream of most upstream crossing of Pleasant Valley Road	*1,240
	The state of the s	ribunali brook		*1,060
			1,000 feet upstream of confluence with Caleb Brook	*1,074
			2,000 feet upstream of confluence with Caleb Brook 3,000 feet upstream of confluence with Caleb Brook	*1,099
			Downstream of Pleasant Valley Road	*1,130
	A STATE OF THE PARTY OF THE PAR		Upstream of Pleasant Valley Road.	*1,153
		Indian Brook		*853
			U.S. Route 3	*853
			Upstream of downstream crossing of Boston and Maine Railroad	*858
			Summer Street	*858
			Upstream of upstream crossing of Boston and Maine Railroad	*859
			4,400 feet upstream of upstream crossing of Boston and Maine Rail- road.	*931

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: November 12, 1980. Gloria M. Jimenez, Federal Insurance Administrator. [FR Doc. 80-38888 Filed 12-18-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FI-5356]

National Flood Insurance Program; Revision of Proposed Flood Elevation Determinations; Pennsylvania

AGENCY: Federal Insurance Administration, FEMA. ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Meshoppen, Wyoming County, Pennsylvania.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in the Tunkhannock New Age on April 5 and 12, 1979, and August 14 and 21, 1979, and also in the Wyoming County Courier on April 6 and 13, 1979, and on August 16 and 23, 1979, and in the Federal Register at 44 FR 21679 on April 11, 1979, and also 44 FR 51256 on August 31, 1979, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in each community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Meshoppen Borough Offices, Washington Street, Meshoppen, Pennsylvania.

Send comments to: Honorable Jacob H. Kintner, Mayor of the Borough of Meshoppen, Washington Street, Meshoppen, Pennsylvania 18630.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program, (202) 426–1460 or Toll Free Line (800) 424– 8872, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the Borough of Meshoppen, Wyoming

County, Pennsylvania, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program. (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations are:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Pennsylvania	Meshoppen, Borough, Wyoming	Susquehanna River	Downstream Corporate Limits	*639 *641
	County.	Meshoppen Creek	Confluence with the Susquehanna River	*641 *641 *657
			rate Limits.	
		TELEVISION OF STREET	Upstream Corporate Limits	1662
		Little Meshoppen Creek	Confluence with Meshoppen Creek	*641 *648 *663
			Private Road (Downstream side)	*663
			Upstream Corporate Limits	*691

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator).

Issued: November 10, 1980.
Gloria M. Jimenez,
Federal Insurance Administrator.
[FR Doc. 80-38887 Filed 12-16-80, 8:45 am]
BILLING CODE 5718-03-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

45 CFR Part 80

Nondiscrimination on the Basis of Race, Color, or National Origin Under Programs Receiving Federal Financial Assistance Through the Department of Health and Human Services

AGENCY: Office for Civil Rights, HHS. **ACTION:** Notice of Decision to Develop Regulations.

SUMMARY: Title VI of the Civil Rights
Act of 1964, 42 U.S.C. 2000d et seq.,
prohibits discrimination on the basis of
race, color, or national origin in
programs receiving Federal financial
assistance. A recipient of Federal
financial assistance that does not have
the ability to communicate with persons
of limited English proficiency deprives
such persons of an equal opportunity to
participate in and benefit from the
services provided by the recipient.

Because persons of limited English are disproportionately represented in certain national origin groups, the inability to communicate with persons of limited English proficiency has the effect of discriminating on the basis of national origin. The Office for Civil Rights is interested in hearing from individuals and organizations concerned with this area prior to the issuance of a notice of proposed rulemaking.

FOR FURTHER INFORMATION CONTACT: David F. Chavkin, Deputy Director for Program Development, Office for Civil Rights, Department of Health and Human Services, 5524 HHS—North Building, 330 Independence Avenue, S.W., Washington, D.C. 20201, (202) 245– 1821.

SUPPLEMENTARY INFORMATION: The Office for Civil Rights (OCR) has conducted a large number of complaint investigations and compliance reviews in this area. In these cases, OCR has consistently concluded that recipients have an obligation under Title VI to communicate effectively with persons of limited English proficiency. Remedial action plans developed after findings of noncompliance have included hiring of bilingual staff, use of interpreters, and reassignment of bilingual personnel.

In light of the continuing complaints of noncompliance in this area, the Department has decided to provide further guidance to recipients in encouraging voluntary compliance. The legal standard for determining compliance by recipients of Federal financial assistance would remain unchanged, however. No persons may be subjected to discrimination on the basis of national origin in health and human services programs because they have a primary language other than English.

The Department is considering requiring certain classes of recipients to conduct self-evaluations of the extent to which their beneficiary population is of limited English proficiency and the extent to which the services provided are accessible to such persons. Such a requirement would parallel the requirement that exists under Section 504 of the Rehabilitation Act of 1973 for the handicapped and would recognize that limited English proficiency is a functional handicap in our society that can effectively limit access.

The Department is also considering the steps that recipients should be required to take to comply with Title VI in this area. The Department will be reviewing a variety of options to guarantee access to such basic services as health care, welfare, and social services while minimizing the burden on recipients. Options that will be considered include the use of

interpreters and bilingual employees and the translation of forms and informational materials. The regulations would also address the special obligations of recipients providing emergency services.

Dated: November 14, 1980. Sylvia Drew Ivie, Director, Office for Civil Rights. [FR Doc. 80-98236 Filed 12-16-80: 8:45 am] BILLING CODE 4110-12-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80-757; FCC 80-726]

Automation of the Use of Measurement Data for AM Broadcast Stations

AGENCY: Federal Communications Commission.

ACTION: Notice of Inquiry.

SUMMARY: The computation of the location of contours (for coverage and interference) for AM broadcast stations is generally made with the use of predicted ground conductivity (FCC Figure M3). However, when there are actual measurement data available, the data supersede the M3 conductivities. Over the years, substantial volumes of data have been accumulated, making the analysis and use of the data on file both tedious and time-consuming. The Commission proposes to investigate the possibility of automating the analysis and use of field intensity measurement data for AM broadcast stations. Benefits, problems, technical considerations, and options are discussed.

DATE: Comments must be filed on or before March 9, 1981, and reply comments on or before April 8, 1981. ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER IMFORMATION CONTACT: John Boursy, Broadcast Bureau, (202) 632–6485.

Adopted: December 4, 1980. Released: December 15, 1980. By the Commission.

1. The preparation and processing of the engineering portion of applications for AM broadcast stations is, compared to FM and TV, relatively lengthy. One reason for this disparity is the substantial amount of measurement data used in AM allocation studies to determine ground conductivities. (The greater the ground conductivity, the farther an AM signal will propagate, all

other things being equal. Because of the differences in propagation characteristics, ground conductivity is not significant in FM and TV.) Sections 73.153 and 73.163 of the Rules require the use of measured conductivities whenever they are available. In the absence of measured conductivities, the conductivities on FCC Figure M3 ("Estimated Effective Ground Conductivity in the United States") are used.

2. The analysis and use of measurement data is a time-consuming manual task requiring significant engineering judgment. However, we believe it is possible that all or a portion of the process could be automated. Automation would significantly reduce the manual involvement, with the concomitant reduction in the time needed for consulting engineers to prepare applications and for Commission engineers to process applications. When our rulemaking in Docket No. 21473 (looking towards the conversion to standard patterns) is concluded, the use of measurement data will remain the last impediment to fully automated processing of the engineering areas of AM applications.

3. We envision a computer data base containing, in some form, all outstanding measurement data to be considered in allocation studies. This data base would be systematically updated as new measurement data are submitted to the Commission. This data base could be in the form of raw (unevaluated) measurement data, refined measurement data, conductivities along appropriate paths (radials), or a digitized conductivity map based on the measurement data. If a digitized conductivity map is used, it could be updated periodically as new measurement data are submitted. Computer programs would be developed which would automatically incorporate these data, as appropriate, into our computerized allocation studies. However, automating the use of measurement data will not be a simple task. First, it is complex since many different considerations are involved. And, second, there are so much existing measurement data that construction of even a minimal data base will be lengthy. We therefore solicit comments on such automation, including methods and potential problems. We now outline a few areas to consider; these are not intended to be inclusive.

4. At the present time, the measurement data are scattered throughout our files. Most often the data are from an r.f. proof of performance, with many points on several radials

extending from the transmitter site. However, we also have significant data which were required for individual allocation studies. These data are stored in the files of the station which submitted the data, which may not be the station on which the measurements were made. Thus, the first area in which automation would be of assistance would be in locating existing measurement data. A file ordered by geographic coordinates would be much more useful than the present organization by call letters and file numbers. However, automating only that information would not go far enough. To be truly helpful, an automated file would also have to contain at least the radials on which data is available, the length of each radial, and the various conductivities on each radial, in addition to the coordinates of the antenna site.

Part I. Analysis

5. If these parts of the measurement data are to be computerized, then we must eliminate ambiguities and apply the results in a consistent, uniform manner. At the present time, we often do not have to perform a detailed analysis of the data before it is used because we can apply "worst case" criteria. For example, if there are measurement data which, with reasonable analyses by different engineers, could show ground conductivities of anywhere from 4 mS/m to 6 mS/m, we would use 6 mS/m for interference calculations and 4 mS/m for coverage determinations. If there were no problem using these values. there would be no need to determine whether the precise value of conductivity is 4, 5, or 6 mS/m. However, if we are to store these measurement data in an automated data base for future use, it may be necessary to determine the precise conductivity at the time it is stored. And the decision on which conductivity to store would have to be made without knowing the use (i.e., coverage or interference) to which the measurement data will eventually be put. Exactly how should we determine which conductivity to store?

6. A similar problem to that described in the previous paragraph arises if we have different sets of measurements showing different conductivities over the same path. Both sets of measurements may be equally valid (e.g., if they were taken at different times of the year), but again we must select and retain only one value of conductivity for each segment of each radial. How should we choose between conflicting sets of measurements? If we

average the measurements, what criteria should be used for weighting, etc.?

7. There are two potential solutions to the problems raised in the two preceeding paragraphs. The first would be to store the individual data points (distance and field strength), and perhaps the inverse distance field, for each radial rather than the conductivity segments. (Of course, the coordinates of the antenna site and the azimuths of the radials would also be stored.) With this approach, the engineer would have available the raw data, and would thus be able to make "worst case" approximations according to the individual situtation. However, substantial additional file space would be required to store this information. And the start-up costs of data entry would be much greater than those associated with simply storing conductivity segments. The alternative would be to develop an algorithm that would, for a given set of data on a radial, give repeatable conductivity segments and, perhaps, a repeatable inverse distance field. All of the raw data could be fed into this algorithm (again with the substantial cost of data entry), and the results stored. A hybrid solution would be storing the raw data and using the algorithm as necessary in the invidual cases. This would allow refinements of the algorithm over the years.

8. In the preceeding paragraph, we discussed the possibility of storing the inverse distance field for each radial, as opposed to calculating it from the raw data points (distance and field strength). Before pursuing this discussion, it would be helpful to understand the approach used by Commission engineers in analyzing complete proofs of performance. These generally consist of 20 or 30 measurements per radial [see Section 73.186(a)(1)). In the analysis, the engineer must distinguish between the effects of conductivity and antenna radiation. In making this distinction, we consider it imperative to establish, as conclusively as possible, the size and shape of the nondirectional radiation pattern. The nondirectional radiating system is simpler (fewer variables) than the directional system and its RMS (size) can be more accurately determined since each measured radial is of more or less equal significance, particularly if the radials are evenly spaced. With a directional pattern, many of the minor-lobe and null radials do not constribute significantly toward defining the RMS, leaving the remaining main lobe radials with a disproportionate influence on the determination of pattern size.

9. Because of the crucial role played by the nondirectional pattern resulting from a complete proof of performance, extreme care is used in analyzing the measurement data. All known external factors such as terrain features, reradiating structures, pipe lines, etc., are takin into account. Each radial is repeatedly weighed against the others with constant attention to the resulting pattern shape and RMS, and the analysis is not considered complete until the importance of each element of data is understood from the perspective of the whole. Of course, the more extensive and "well behaved" the measurement data, the more precise and confident the engineer can be with his/her analysis. Using this approach, the inverse distance fields for each radial are evaluated prior to a determination of the conductivity. Then, the conductivities for the segments of the radials are determined, using the inverse distance field as a given.

10. However, when the measurement data are not from a proof of performance (a single measured radial to establish lack of overlap, for example), the analysis simply cannot be as complete as described above. There may be only one or two radials from which to work. In these cases, the analysis of the inverse distance field and the conductivity is an iterative process in which the engineer analyzes both simultaneously to arrive at reasonable values of inverse field and conductivities.

11. It is clear from the above discussion, that it may be more appropriate to store the inverse distance fields of radials that received extensive analysis as part of the proof of performance. Then, the algorithm for computing conductivities could use the inverse distance field as a given. On the other hand, with those radials that were not subjected to the extensive analysis to determine the inverse distance field, it might be inappropriate to store the inverse field. Rather, the inverse field, as well as the conductivities, could be determined from an algorithm. Comments on these two approaches are requested.

12. There are some measurement data which, although of use in a particular allocation situation, should not, perhaps, be computerized. For example, in certain circumstances, we allow the use of "stub" radials to determine the location of a particular contour for a particular station. However, since these radials do not contain sufficient points for analyis to determine conductivity, we would probably not store them in a conductivity data base. Should we

establish a separate data base containing digitized contours of broadcast stations? Canada's Department of Communications stores in a computer data base the digitized contours of many stations, and has found such an approach to be helpful in the studies which they perform.

13. For measured radials which contain more points than "stub" radials, what criteria should we apply before storing them? For example, should there be a minimum number of points per radial? Should there be a minimum number of "close-in" points per radial? Should we disregard radials that are more than several years old? If so, how old? Should only radials exceeding a given length be included in the data

base?

14. Automated use of the data would require the computerization of decisions that are now the result of engineering judgment and experience. For example, we normally allow the conductivities on a radial to be "swung" (plus and minus) 10 degrees. However, if the radial is along the coast (or some other area of rapidly changing conductivity), the permissible swing may be only one degree. How should we automate such decisions? Also, we normally do not allow the use of measurement data from a site that is more then two miles away. Nevada County Broadcasters, 43 RR 2d 7 (1978). How do we automate the exceptions?

Part II. Storage and Application

15. Apart from the problem of analysis, we ask for suggestions on the easiest method of storing and retrieving the conductivity data. What data base structure would be most effective? What algorithms could be used in retrieving the conductivity data? What would be the most effective way of managing the on-going system that may be developed as a result of this proceeding?

16. If we computerize the measurement data, should we:

a. Revise FCC Figure M3, and then prohibit the use of measurements for allocations purposes? [Measurement data would still be accepted for proofs of performance and for use in updating Figure M3.).

b. Revise FCC Figure M3, and permit the use of additional measurements made after the revision when they show conductivities different than those on

Figure M3?

c. Retain the existing FCC Figure M3. and use measurements? Since measurement data supersede M3 conductivities, there may be no need to update Figure M3 if we have a comprehensive, easily accessible measurement data base. However, from an international standpoint, where measurement data are not used, it may be advantageous to update Figure M3.

discussion has been in terms of the assistance that would be provided to the Commission staff engineers through the use of automated measurement data, any data bases and computer programs which we develop as a result of this proceeding would, of course, be available to the public through the National Technical Information Service (NTIS). Thus, consulting engineers would also be able to take advantage of the computerization of the measurement data, with its resulting increase in speed and reduction in costs to them.

18. We have made only general proposals. We expect that the comments will be both general and specific. When we have had the benefit of reviewing the comments and reply comments filed in response to this Notice, we expect to issue either a Notice of Proposed Rulemaking to pursue this matter, or a Memorandum Opinion and Order to terminate the proceeding.

19. Pursuant to applicable procedures set forth in Section 1.415 of the Commission's Rules, interested parties may file comments, accompanied by other pertinent material, on or before March 9, 1981, and reply comments on or before April 8, 1981. All relevant and timely comments will be considered by the Commission before further action is

taken in this proceeding. 20. In accordance with the provisions of Section 1.419 of the Commission's Rules and Regulations, an original and five copies of all comments, replies, and other documents shall be furnished the Commission. Participants filing the required copies who also desire that each Commissioner receive a personal copy of the comments should file an additional 6 copies. Members of the general public who wish to express their interest by participating informally in this proceeding may do so by submitting one copy of their comments, without regard to form, provided that the Docket Number of this Inquiry is specified in the heading. Such informal participants who desire that responsible members of the staff receive a personal copy and to have an extra copy available for the Commissioners may file an additional 5 copies. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room (Room 239) at its headquarters in Washington, DC (1919 M Street, NW). Further information concerning this

proceeding may be obtained from John

Boursy, Broadcast Bureau, (202) 632-6485.

21. Authority for the institution of this proceeding is contained in Section 403 of the Communications Act of 1934, as amended.

Federal Communications Commission. William J. Tricarico, Secretary.

[FR Doc. 80-39259 Filed 12-16-80; 8:45am] BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-491; RM-3611]

FM Broadcast Station in Madras, Oregon; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule; Extension of reply comment period.

SUMMARY: This action extends the time for filing reply comments in a proceeding involving a proposed FM channel assignment to Madras, Oregon. KBND, Inc. requests additional time to respond to a comment which requests consolidation of three other pending petitions and the pending proceeding. DATE: Reply comments must be filed on or before December 22, 1980.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554. FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Madras, Oregon), BC Docket No. 80–491, RM–3611.

Order Extending Time for Filing Reply Comments

Adopted: December 8, 1980. Released: December 10, 1980.

1. On September 16, 1980, the Commission adopted a Notice of Proposed Rule Making, 45 FR 63531, published September 25, 1980, concerning the proposed assignment of an FM channel to Madras, Oregon.

2. On November 28, 1980, KBND, Inc., by its counsel, submitted a request to extend the deadline for filing reply comments to and including December 22, 1980. The current deadline is December 8, 1980. Counsel states that it needs more time to respond to the comments of Capps Broadcasting Group, Inc., in which Capps suggested that this proceeding include by consolidation three pending petitions for Class C channel assignments at Bend, Oregon

(RM-3660, RM-3708) and at Redmond, Oregon (RM-3725).

3. We believe the requested extension of time is justified in order to provide sufficient time to respond to the consolidation request which involves three other proceedings. It does not appear that any other parties involved in these matters would be adversely affected.

 Accordingly, it is ordered, that the date for filing reply comments in BC Docket 80-491 is extended to and including December 22, 1980.

5. This action is taken pursuant to authority contained in Sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, and § 0.281 of the Commission's rules.

Federal Communications Commission. Henry L. Baumann,

Chief, Policy and Rules Division, Breadcast Bureau.

[FR Doc. 80-39188 Filed 12-16-80; 8:45 am] BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Special Procedures for Issuance of Annual Migratory Bird Hunting Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: Regulations are proposed which would establish certain procedures to govern the issuance of the annual migratory bird hunting regulations. The proposed rules would impose requirements applicable to significant communications occurring during the process for issuing the hunting regulations, would provide for public participation in certain meetings of the Service's Migratory Bird Regulations Committee, and would establish certain requirements to govern the Department's participation in meetings of the regional migratory bird Flyway Councils.

DATES: Comments on these proposed regulations must be received on or before January 16, 1981.

ADDRESSES: The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections concerning the proposed regulations. Comments should be addressed to:

Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Comments received will be available for public inspection and copying between the hours of 8 a.m. and 4 p.m. at Room 525 B, Matomic Building, 1717 H Street, Washington, D.C. both during and after the comment period.

FOR FURTHER INFORMATION CONTACT: John P. Rogers, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. (Telephone: 202–254–3207).

SUPPLEMENTARY INFORMATION:

Background

On May 8, 1980, a petition for rulemaking was submitted to the Department on behalf of Defenders of Wildlife, the Sierra Club, the Humane Society of the United States, and Friends of the Earth. The petition requests that the Department charter the Atlantic, Mississippi, Central, and Pacific Flyway Councils and the Service's Migratory Bird Regulations Committee as advisory committees pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I. The petition also requests the issuance of certain regulations to govern any ex parte communications which may occur during informal rulemakings dealing with the hunting of migratory birds.

After review of the petition and related correspondence, the Service has decided to seek public comment on the proposed rules included in this notice. For the reasons stated below, the Service has omitted from the proposed rules a number of the recommendations made by the petitioners. However, comments on these recommendations are invited and will be considered. The petition is available for public inspection and copying between the hours of 8 a.m. and 4 p.m. at Room 525 B, Matomic Building, 1717 H Street, NW.,

Washington, D.C.

The petition requested that the Department charter the Service's Migratory Bird Regulations Committee and the four regional Flyway Councils as advisory committees pursuant to the Federal Advisory Committee Act. The fact that the membership of the Regulations Committee is composed wholly of officials of the Service would exempt it from the Advisory Committee Act, and the Flyway Councils would also appear to be exempt due to the technical nature of their input and the contractual nature of their agreements with the Service. In any event, it is doubtful that monetary and organizational constraints would permit formal establishment of five advisory committees for migratory bird hunting regulations.

The petitioners also made a number of recommendations concerning ex parte communications. One recommendation was that controls be placed on ex parte communications which occur before a notice of proposed rulemaking if the official involved "* * knows, or has reason to know, that a notice of proposed rulemaking on the subject of the communication will be issued within a year of the date of the communication." In view of the numerous levels of review and decisionmaking within the Department for each notice of proposed rulemaking, it would be impossible for an official to know beforehand the contents of such notices. It may be true that if information obtained before the notice of proposed rulemaking constitutes an important basis for the agency's action, it should be made a matter of public record. However, in general, ex parte communications occurring before a notice of proposed rulemaking do not have to be included in the public file.

The Service regards as infeasible the petitioners' recommendations that oral communications involving high level decision-making officials be transcribed verbatim before placement in the public rulemaking file. The law requires only that a summary of the oral communication be placed in the file. To require verbatim transcripts would force officials to carry tape recorders with them at all times and to install recording devices on their telephones.

The Service has also omitted from the proposed rules the petitioners' recommendations that there be special notice in the Federal Register of any ex parte communications on the hunting regulations and that a two-week period be provided for responses to such communications, during which time final rules could not be issued. Such provisions would make it possible for a dissatisfied party to indefinitely filibuster the issuance of final rules by submitting a new communication every two weeks. The law may require significant ex parte communications to be placed in the public file, but it does not require a special notice and comment period on each communication. The initial notice of proposed rulemaking will state where and when the entire public file may be examined, and the need for timely issuance of counterpart State hunting regulations and for timely completion of administrative and enforcement preparations for the hunting season

dictates that there be a limit on the comment period.

Finally, the petitioners urged that the proposed rules require the public file for the hunting regulations to be organized by flyway and species. The Service, however, believes that rigid organizational requirements should not be imposed, in order to preserve flexibility and avoid costly duplication.

Description of Proposed Rules

Section 20.151 of the proposal describes the purpose and scope of the rules. The rules would apply only to the issuance of the annual migratory bird hunting regulations dealing with seasons, bag limits, zones and other seasonal matters. They would not apply to the promulgation of other regulations under the Migratory Bird Treaty Act, such as, for example, the "basic" taking regulations in Subpart C of 50 CFR Part 20.

Section 20.152 defines several important terms. For example, the term "significant," when used in reference to a communication or other form of data or information, would mean that the information relates to the merits of the hunting regulations and involves an official of the Department who is or may reasonably be expected to be involved in the decision-making process on the regulations.

Section 20.153 would establish a number of procedures governing notice, minutes, and public observation and participation with regard to any meetings of the Service's Migratory Bird Regulations Committee which are attended by persons outside the Department. It should be noted that there are a number of internal meetings of the Regulations Committee which are attended only by persons employed by the Department. The provisions of § 20.153 would not apply to these internal meetings.

Section 20.154 would establish certain procedures governing participation by Departmental personnel in meetings of the regional Flyway Councils. The section would require notice in the Federal Register of any Flyway Council meeting to be attended by Department officials and would prohibit Department participation in any session of the meeting that is closed to the public. These requirements would also apply to meetings of the Technical Sections of the Councils.

Section 20.155 would require the establishment of a public file for annual hunting regulation rulemakings. This file would include minutes of Regulations Committee meetings open to the public, comments, significant ex parte communications or summaries thereof.

and copies of or references to any other significant data or information.

Note.—The Department of the Interior has determined that these rules are not significant rules and do not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

The primary author of this proposed rulemaking is Ronald E. Swan, Office of the Solicitor, Department of the Interior (202–343–2172).

Accordingly, it is hereby proposed that Part 20 of Title 50, Code of Federal Regulations, be amended to read as

follows:

 The table of sections would be amended by adding at the end thereof the following:

Subpart N—Special Procedures for Issuance of Annual Hunting Regulations

Sec.

20.151 Purpose and scope.

20.152 Definitions.

20.153 Regulations committee.

20.154 Flyway councils.

20.155 Public file.

2. A new Subpart N would be added to read as follows:

Subpart N—Special Procedures for Issuance of Annual Hunting Regulations

§ 20.151 Purpose and scope.

The rules of this Subpart N apply to the issuance of the annual regulations establishing seasons, bag limits, and other requirements for the seasonal hunting of migratory birds. The rules of this Subpart N do not apply to the issuance of regulations under Part 21 of this title or under Subparts A–J and L–M of this Part 20.

§ 20.152 Definitions.

As used in this Subpart N:

(a) "Flyway Council" means the Atlantic, Mississippi, Central, or Pacific Flyway Council or the Technical Section of any such Council, and (b) "Regulations Committee" means

the Migratory Bird Regulations Committee of the Fish and Wildlife

Service: and

(c) "Significant," as used in reference to a communication or other form of information or data, means related to the merits of the regulation and involving an official of the Department who is or may reasonably be expected to be involved in the decisional process on the regulation.

§ 20.153 Regulations committee.

(a) Notice of meetings. Notice of each

meeting of the Regulations Committee to be attended by any person outside the Department will be published in the Federal Register at least two weeks before the meeting. The notice will state the time, place, and general subject(s) of the meeting.

(b) Public observation. Each meeting of the Regulations Committee for which notice is published pursuant to paragraph (a) of this section will be open to the public for observation.

(c) Public participation. Except for the mid-summer meetings held in conjunction with the public hearing on waterfowl and other late season frameworks, the public may participate in any meeting of the Regulations Committee for which notice is published pursuant to paragraph (a) of this section through the submission of oral and written statements that comply with the rules stated in the notice.

(d) Minutes of meetings. Minutes will be made of each meeting of the Regulations Committee for which notice is published pursuant to paragraph (a) of

this section.

§ 20.154 Flyway councils.

(a) Notice of meetings. Notice of each meeting of a Flyway Council to be attended by any official ot the Department will be published in the Federal Register at least two weeks before the meeting or as soon as practicable after the Department learns of the meeting. The notice will state the time, place, and general subject(s) of the meeting.

(b) Sessions closed to the public. No official of the Department will participate in any session of a Flyway Council meeting that is closed to the

public.

§ 20.155 Public file.

(a) Establishment. A public file will be established for each rulemaking to which this Subpart N is applicable.

(b) Contents. Except for information exempt from disclosure under 5 U.S.C. 552, a public file established pursuant to paragraph (a) of this section will contain:

(1) The minutes of Regulations Committee meetings made pursuant to paragraph (d) of § 20.153;

(2) Any written comments and other significant written communications which occur after the notice of proposed rulemaking;

(3) Summaries, identifying the source, of any significant oral communications which occur after the notice of proposed rulemaking; and

(4) Copies of or references to any other significant data or information.

Dated: December 12, 1980.

Lynn A. Greenwalt,

Director.

[FR Doc. 80-39177 Filed 12-16-80; 8:45 am] BILLING CODE 4310-55-M

Notices

Federal Register

Vol. 45, No. 244

Wednesday, December 17, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

September 30, 1980, and at \$314.09 for each scheduled flight completed beginning October 1, 1980, subject to a maximum compensation of \$32,665 per 30-day period; 2. This proceeding shall remain open

pending entry of an order fixing the final rate of compensation, and the amount of such rate of compensation may be the same as, lower than, or higher than the interim rate of compensation set here;

\$126,376 for the period June 5 through

3. We shall serve the order upon all parties to this proceeding.

We shall publish this order in the Federal Register.

By the Civil Aeronautics Board.2

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-39162 Filed 12-16-80: 8:45 am] BILLING CODE 6320-01-M

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 11th day of December, 1980.

CIVIL AERONAUTICS BOARD

Air Midwest, Inc.; Application for

[Order 80-12-50; Docket 38140]

Compensation for Losses

On May 6, 1980, Air Midwest, Inc. (Air Midwest) filed a notice of intent to suspend scheduled air service to Enid and Ponca City, Oklahoma on June 5, 1980. By Order 80-5-204, May 29, 1980, we required Air Midwest to continue to provide essential air service for a 30-day period through July 5, 1980.1

On November 18, 1980, Air Midwest filed an application for losses at Enid and Ponca City seeking \$130,660 without profit for the period June 1 through September 30, 1980, inclusive, and \$32,665 for subsequent 30-day periods. The carrier provided a detailed explanation of its estimated losses.

We have reviewed Air Midwest's application and find that the information contained therein reasonably supports the requested compensation as an interim basis with but one exception. The \$130,660 requested through September includes losses for the first four days of June for which Air Midwest is not eligible. Adjusting for that reduces Air Midwest's claim to \$126,376 for the period through September.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 102, 204, 419, and 1002(d) thereof, and the regulations promulgated in 14 CFR 302 and 304:

1. We set the interim level of compensation for losses sustained by Air Midwest, Inc., by virtue of its provision of essential air transportation at Enid and Ponca City, Oklahoma at

California Institute of Technology;

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington. D.C. 20230.

Docket No. 80-00258. Applicant: California Institute of Technology, 1201 101-2 and Accessories. Manufacturer: Lumonics Research Ltd., Canada. Intended use of article: The article is intended to be used to heat a small volume of air which will act as a tracer to visualize the flow in laboratorygenerated vortex rings. These experiments are for the purpose of measuring nonintrusively the velocity. strain rate and turbulence level in a

DEPARTMENT OF COMMERCE

International Trade Administration

Decision on Application for Duty-Free Entry of Scientific Article

amended (15 CFR 301).

E. California Blvd., Pasadena, California 91125. Article: TEA Laser Kit, Model K-

² All members concurred.

complicated rotational flow field. The article will also be used in Ae/APh 104-Experimental Methods, a graduate level course to provide a unified treatment of the principles and practice of modern instrumentation systems used in experiments in mechanics.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a pulse energy of five joules while also providing a breadboard configuration. The National Bureau of Standards advises in its memorandum dated September 12, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-39062 Filed 12-16-80; 8:45 am] BILLING CODE 3510-25-M

Customs Service; Decision on Application for Duty-free Entry of Scientific Article

The following is a decision an an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of the 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington,

D.C. 20230.

We have since extended Air Midwest's obligation.

Docket No. 80-00345. Applicant: U.S. Customs Service, Technical Services Division, 1301 Constitution Avenue. N.W. Room 7113, Washington, D.C. 20029. Article: Atmospheric Pressure Mass Spectrometer, TAGA 3000. Manufacturer: Sciex Inc., Canada. Intended use of Article: The article is intended to be used for a Customs contraband detection research program. The research will include fundamental studies involving build up time of drug vapors, migration rates of vapors, and permeation rates of vapors, in typical concealment scenarios. Factors such as environmental conditions and vapor background will be carefully evaluated in terms of system performance. Ion molecule chemistry will be applied through selected chemical ionization reagent gases to optimize system performance under various operating conditions. The thrust of this work will be to precisely characterize a drug detection scheme, Application Received by Commissioner of Customs: June 19. 1980.

Comment: Comments have been received with respect to this application from Finnigan Corporation, which states that it does not offer a product to compete with this request and it does not contest its duty-free entry.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is suitable for variable on site locations and has static system resolution (0.3 AMU) as well as sensitivity (10⁻¹⁵ grams). The National Bureau of Standards advises in its memorandum dated October 9, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-free Educational and Scientific Materials)

Frank Creel, Acting Director, Statutory Import Programs Staff.

[FR Doc. 60-39067 Filed 12-16-80; 8:45 am] BILLING CODE 3510-25-M

Department of Energy; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, NW, Washington, D.C. 20230.

Docket No. 80–00289. Applicant: U.S. Department of Energy, P.O. Box 550, Richland, Washington 99352. Article: Remote Metallograph and Texture Analysis System. Manufacturer: E. Leitz, Inc., West Germany. Intended Use of Article: The article is intended to be used for investigation of the properties of irradiated nuclear fuels and structural materials. Experiments will be conducted to obtain data to evaluate the performance and behavior of reactor fuel and structure fuel components.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides remote-controlled analysis of materials in a radioactive environment. The National Bureau of Standards advises in its memorandum dated September 19, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel.

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-39168 Filed 12-16-80; 8:45 am]

Leather Wearing Apparel From Uruguay; Preliminary Affirmative Countervalling Duty Determination

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Preliminary Affirmative Countervailing Duty Determination.

SUMMARY: With this notice we inform the public that we have preliminarily determined that the Government of Uruguay grants benefits to manufacturers, producers or exporters of certain leather wearing apparel which constitute a subsidy within the meaning of the countervailing duty law. We will make a final determination no later than 75 days from the date of this preliminary determination.

EFFECTIVE DATE: December 17, 1980.

FOR FURTHER INFORMATION CONTACT:
Miguel Pardo de Zela, Import
Administration Specialist, Office of
Investigations, International Trade
Administration, Department of
Commerce, Washington, D.C. 20230 (202)
377–5050.

SUPPLEMENTARY INFORMATION: On November 12, 1980, we published in the Federal Register (45 FR 74743) an "Initiation of Countervailing Duty Investigation." This investigation responded to an October 15th petition from Ralph Edwards Sportswear, Inc., Cape Girardeau, Missouri which alleges that the Government of Uruguay provides subsidies to manufacturers, producers or exporters of leather wearing apparel within the meaning of section 701, Tariff Act of 1930, as amended (93 Stat. 151, 19 U.S.C. 1671) (hereinafter referred to as "the Act"). The merchandise covered by this investigation is leather wearing apparel currently provided for in item number 791.76 of the Tariff Schedules of the United States. Because Uruguay is a "country under the Agreement," defined in section 701(b) of the Act, we referred this matter to the United States International Trade Commission for a determination of injury.

On December 1, 1980 the ITC notified the Department of Commerce that they had arrived at a preliminary determination that there is a reasonable indication that an industry in the United States is threatened with material injury because of imports of leather wearing apparel from Uruguay.

The petitioner alleges that the Government of Uruguay provides subsidies in the form of a tax certificate for exporters (the Reintegro), an additional compensation to exporters of tanned leather products, an income tax exemption for export income,

preferential financing for exports, and a

social security tax deferral.

The subject of leather wearing apparel from Uruguay first arose in a countervailing duty petition submitted to the Department of Treasury (then the responsible agency for administration of the law) on January 21, 1977 (42 FR 21531). At that time, provisions of the Generalized System of Preferences entitled the merchandise to duty free treatment. The case was therefore referred to the International Trade Commission for an injury determination. Both the ITC and the Treasury Department made affirmative findings in the case and Treasury issued a Countervailing Duty Order on June 1, 1978 (43 FR 23710). However, at the same time that Treasury announced the Order it also waived the imposition of duties on the basis of commitments made by the Government of Uruguay to eliminate the subsidy programs which contravened our trade laws. On November 13, 1978 (43 FR 52485) Treasury revoked the waiver and reimposed the duties when it discovered that the Government of Uruguay was not acting in compliance with the terms of the waiver.

On March 22, 1979 (44 FR 17485)
Treasury revoked the Countervailing
Duty Order on leather wearing apparel
from Uruguay. The conditions of the
revocation were the elimination by the
Government of Uruguay of a tanner's
subsidy received on exports to the
United States and a decision by that
government to impose an export tax on
leather wearing apparel exported to the
United States. This export tax equaled
the net amount of the remaining subsidy
after the elimination of the tanner's
subsidy. It amounted to 3.687% ad

valorem.

From the information presently available, it appears that the Government of Uruguay has reintroduced the tanner's subsidy and removed the export tax on leather wearing apparel exported to the United States. By this action, the Government of Uruguay has evidently altered commitments made to the United States Government—commitments which led the United States to a decision not to impose countervailing duties.

These actions are cause for considerable concern. It would be unfortunate, to say the least, if foreign governments and their producers were seen to profit from the violation of commitments made to the United States. In this case, the nature of the subsidies involved—cash payments and tax exemptions which are linked directly to export performance—give Uruguayan

producers of leather wearing apparel a significant advantage over their competitors in the United States and could easily have an important and immediate effect on trade.

Therefore, the reintroduction of direct export subsidies by the Government of Uruguay, after agreeing to remove such subsidies on exports to the United States of leather wearing apparel, requires a prompt response on the part of the United States Government to fully neutralize their trade distortive effects. In light of these concerns, I have made this preliminary determination on the following subsidies alleged in the petition:

(1) Reintegro Program—Under this program the Government of Uruguay grants tax certificates to exporters as a fixed percentage of the f.o.b. value of the exported item. These certificates are transferable and may be applied against obligations for both direct and indirect

taxes.

Because the tax certificates are freely transferable and may be applied against direct as well as indirect taxes, they are clearly subsidies within the meaning of

the countervailing duty law.

In the prior investigation Treasury reduced the amount of the Reintegro by the amount of indirect taxes which would have been, but were not, rebated on the export of leather wearing apparel. Since then the countervailing duty law has been amended to narrowly restrict the use of offsets in calculating countervailing duties. Under section 771(6) of the Act, offsets may be allowed only in the following instances: (a) where costs are incurred in obtaining the benefit, (b) where a loss of the benefit results from a Governmentmandated delay in the receipt of the benefit or, (c) where there are export taxes intended to offset the subsidy received. The offsets granted in the prior investigation are no longer permitted.1

Therefore, I preliminarily determine the whole amount of the Reintegro, 9% of the f.o.b. value of the exported merchandise, to be a subsidy.

(2) Tanner's Subsidy—The Government of Uruguay grants an 8% ad valorem subsidy on exports to domestic manufacturers of leather wearing apparel to allow for the added cost of using domestic tanned leather in their production. I preliminarily determine the full amount of the subsidy, 8% of the f.o.b. value of exported merchandise, is countervailable.

(3) Export Financing—At the time of the earlier investigation we found that the export financing program did not provide a subsidy since no differential existed between the government and commercial interest rates. The current status of this program is in question, however, and will thus continue to be investigated. At this time, based on the finding in the most recent investigation, I preliminarily determine that there is no subsidy benefit derived from this program.

(4) Social Security Tax Deferral—This program was inadvertently included in the notice of "Initiation of Countervailing Duty Investigation" (45 FR 74743). The Treasury Department determined in the earlier investigation that this was a one-time subsidy benefit which was abolished at the end of 1978. I hereby determine that no subsidy is involved and that in light of the inadvertant inclusions of this program in the notice of initiation, no further

allegation.

(5) Tax Exemption for Export
Income—As the export tax which was
designed to eliminate the subsidy effect
of this program and others has been
removed, I preliminarily determine the
current benefit is equal to that which
was found to exist in the earlier
investigation, 0.387% of the f.o.b. value.

investigation will be made into this

We estimate that the total value of the benefits of these programs to Uruguayan exporter's is 17.387% ad valorem.

The petitioner also notes that on or about June 1, 1980, the Government of Uruguay not only removed the export tax but announced it would rebate the value of the tax which it had collected since January 1, 1980. Further, the tanner's subsidy was reinstated and paid retroactive to the time at which it was removed on January 10, 1979. We will assume, until it is proven otherwise, that both types of retroactive payment were made in one cash grant on June 1, 1980.

Accordingly, we have allocated the benefits of this grant over a twelve month period beginning on June 1, 1980. Our preliminary calculations yield on average monthly benefit of 8.63% ad valorem. When the benefits of this retroactive payment of the export tax rebate and tanner's subsidy are added to the subsidies described above, the total benefit of the subsidy programs which, in our preliminary investigation.

^{&#}x27;The restrictions in the law on the use of offsets are not intended to prohibit the Department from determining that export payments are not subsidies if those payments are reasonably calculated, are specifically provided as non-excessive rebates of indirect taxes and are related to the merchandise exported. In this case, no claim has been made, or evidence presented to show, that the Reintegro is a bona fide rebate of indirect taxes. For a full discussion of the offset rules and indirect tax issue, see the recent decisions of the Department in the investigations involving textiles and textile mill products (45 FR 55502) and certain iron metal fasteners from India (45 FR 64611).

we find granted by the government of Uruguay amounts to 26.017% ad valorem.

Petitioner also alleges that critical circumstances exist within the meaning of section 703(e) of the Act. However, available information does not provide a reasonable basis to believe that there have been massive imports of subject merchandise from Uruguay over a relatively short period. The value of leather wearing apparel from Uruguay fell from a peak of \$34.2 million in 1978 to \$12.3 million in 1979. For the period January through August of 1980 the value of Uruguayan imports fell to \$4.6 millions compared to \$9.4 million for the same period in 1979. While import penetration from all countries has remained constant despite a declining U.S. market in recent years, import penetration from Uruguay has fallen from a peak of 8.3% in 1978 to 3.3% in 1979. I therefore determine that critical circumstances do not apply at this time.

Administrative Procedures

In accordance with § 355.34 of the Commerce Department Regulations (19 CFR 355.34, 45 FR 4946), interested parties may submit information or written views concerning this proceeding to the Deputy Assistant Secretary for Import Administration in at least 10 copies, not later than January 19, 1981. The mailing address is room 2800, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230.

The Department will afford interested parties an opportunity to present oral views in accordance with § 355.35 of the Commerce Department Regulations. This hearing is scheduled to be held, if requested, at the U.S. Department of Commerce, Room 3817, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230 beginning at 10:00 a.m. on January 22, 1981. Interested parties who wish to have such a conference should submit a written request to the Office of Deputy Assistant Secretary for Import Administration, Room 2800 at the address shown above. These requests should contain (1) the name, address and telephone number of the requester (2) the number of participants and (3) a statement outlining the issues to be discussed. The Deputy Assistant Secretary must receive the requests no later than January 2, 1981.

Interested parties must submit prehearing briefs no later than January 16, 1981 to the Office of the Deputy Assistant Secretary at the address noted above. Oral presentations by persons submitting pre-hearing briefs will be limited to those issues raised in the briefs. All written views must be filed in accordance with section 355.43 of the Department of Commerce Regulations.

In accordance with section 703(d) of the Act (19 U.S.C. 1671b(d)), Customs officers will be advised to suspend liquidation of all entries, or withdrawals from warehouse, for consumption of the subject merchandise on or after the date of publication of this notice in the Federal Register. This suspension of liquidation shall remain in effect until further notice. The posting of a cash deposit in the amount of 26.017 percent ad valorem, will be required as of that date.

We will issue a final determination no later than February 25, 1981.

(Section 703(f) of the Act (19 U.S.C. 1671b(f))) December 12, 1980.

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 80-39165 Filed 12-16-80; 8:45 am] BILLING CODE 3510-25-M

National Bureau of Standards; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 80–00243. Applicant:
National Bureau of Standards,
Washington, D.C. 20234. Article: Engine
Cam and Tappet Tester. Manufacturer:
MIRA, United Kingdom. Intended use of
article: The article is intended to be
used for studies of friction and wear of
auto engine cam and tappet for engine
lubrication evaluation.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article measures quality and efficacy of various lubricating motor oils. The Department of Health and Human Services advises in its memorandum dated August 7, 1980 that (1) the capability of the foreign article described above is pertinent to

the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States. (Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-39063 Filed 12-18-80; 8:45 am] BILLING CODE 3510-25-M

National Institutes of Health, et al.; for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational. Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the Federal Register.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 80–00457. Applicant:
National Institutes of Health,
Dermatology Branch, DCBD, NCI, Bldg.
10, Room 12N238, Rockville Pike,
Bethesda, MD 20205. Article: Electron
Microscope System, Model EM–400T
and Accessories. Manufacturer: Philips
Electronic Instruments, The
Netherlands. Intended use of article: The
article is intended to be used for the
examination of human and animal
tissues, cultured cells, fractionated cell
organelles, viruses, and purified proteins
and nucleic acids in the study of both
normal and disease processes in skin

and related tissues. The experiments to be conducted include those to identify and localize organelles characteristic of various skin cell types (keratin filaments, keratohyalin granules, melanosomes, langerhans granules, specific leukocyte granules, etc.), to determine the location and character of desmosomes and basement membrane, and to localize cytochemical markets specific for antibodies, antigens, proteins, enzymes, and tissue or cellular compartments; comparisons are drawn among normal, developing diseased, and treated tissues. Application received by Commissioner of Customs: September

Docket No. 80-00458. Applicant: Veterans Administration Medical Center, Augusta, GA 30910. Article: Electron Microscope System, Model JEM 100CX and Accessories. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of Article: The article is intended to be used for the following studies of biological cells and tissues:

1. Study of the pathogenesis and specificity of abnormalities of thyroxine metabolism in Graves' Disease and characterization of the particulate substances in the thyroid combining with the long-acting thyroid stimulator,

2. Studies of pancreatic and molecular mechanisms of pancreatic acinar cell secretion.

3. Investigations to establish electrophysiological and ultrastructural correlations in the anatomy of the heart,

4. Investigation of qualitative platelet dysfunction in sickle cell anemia with studies of platelet aggregations, and

5. Immunoperoxidase labelling of specific antigens in rat and human brain with the studies carried out at the ultrastructural level. The basic objective of the various investigations is to obtain a better understanding of structure and function in human biological systems. The article will also be used for education and training programs in electron microscopy available for technicians, medical students, pathology residents, clinical residents, pathologists, and other physicians and scientists. Application received by commissioner of customs: September 19, 1980.

Docket No. 80-00459. Applicant: The University of Texas Health Center at Tyler, P.O. Box 2003, Tyler, TX 75710. Article: Electron Microscope, Model JEM 100CX and Accessories. Manufacturer: JOEL Ltd., Japan. Intended use of Article: The article is intended to be used to study the structure of biological cells and tissues, macromolecular structures of biological origin and inorganic compounds. Experiments will

be conducted to increase the understanding of the structure and functional interactions of cells of the respiratory system in both normal and toxic environments. In addition, the article will be incorporated into training programs of technical nature in house and external symposia in environmental/occupational medicine. Application received by Commissioner of Customs: September 22, 1980.

Docket No. 80-00460. Applicant: University of Washington, School of Pharmacy, BG-20, Seattle, WA 98195. Article: MM 70-70H Mass Spectrometer/VG Data System. Manufacturer: VG Micromass, VG Organic Limited, United Kingdom. Intended use of article: The article is intended to be used in biomedical research involving the chemical identification and quantitative analysis of naturally-occurring hormones and drugs, their metabolites and derivatives in normal physiology and in disease states. The mass spectrometric applications will include electron bombardment induced unimolecular gas phase reations (EI) and gas phase ionmolecule reations including chemical ionization mass spectrometry (CI) and ion-molecule reations which might have utility for the analysis of these products. The article will also be used to produce first field free region reaction mass spectra from a variety of biomedical samples. Measurements will include low and high resolution mass spectra with mass measurement accuracies to ±5 ppm, this accuracy being necessary for unambiguous assignment of elemental compositions. Experiments will be conducted on the following:

 Estradiol and its Oxygenated Metabolites.

2. GC-MS Analysis of Sulfur-Ether Conjugates of Amino Acids and Peptides with Drugs and Other Chemicals.

3. Warfarin Stereoselective Drug Interactions in Man.

4. Warfarin as a Probe of Microsomal Multiplicity.

5. Pathways of Propranolol Metabolism.

6. Pathways of Hydroxylation of Oxprenolol.

7. Mass Spectral Stable Isotope Drug

8. The Effect of Gut Flora on

Metabolism. 9. Chemistry of Prostaglandins and

Sequiterpenes.

The article will also be used for educational and training purposes in order to develop scientists equipped with the necessary background in the basic biological and physical sciences, and trained in the application of modern tools and instrumental techniques, to undertake and direct research related to fundamental aspects of drug action and interaction. Application received by Commissioner of Customs: September 22, 1980.

Docket No. 80-00461. Applicant: USDA, FR, SEA, Insects Affecting Man and Animals Research Laboratory, P.O. Box 14565, 1600 S.W. 23rd Drive, Gainesville, FL 32604. Article: Electron Microscope, Model H-600-2. Manufacturer: Hitachi Scientific Instruments, Ltd., Japan. Intended use of article: The article will be used to perform a variety of essential studies on insects of medical and veterinary importance. These will include: (1) Ultrastructure studies of pathogens of mosquitoes, fire ants, biting midges, and other arthropods including studies of pathological changes which occur at the cellular and subcellular levels of such infected insects; (2) investigations of the morphology and cyclic development of viral, bacterial, fungal, and protozoal organisms pathogenic to mosquitoes and other insects; (3) structure-function studies of digestive, reproductive, and sensory tissues of insects in relation to the effects of treatments of insecticides, chemosterilants, hormone analogs, and ionizing radiation, including possible localization of the chemical uptake sites; (4) studies concerning morphological responses at the subcellular level to neurosecretory activity, hormone production, pheromone production, and general metabolic shifts in insects; (5) cytological studies of chromosomes and other nuclear phenomena in relation to investigations on mosquito genetics and ultrastructural studies of genetically altered mosquitoes; (6) studies of external morphology of eggs, mites, midges, and other arthropods in relation to taxonomy. Application received by Commissioner of Customs: September

Docket No. 80-00462. Applicant: Medical University of South Carolina, 171 Ashley Avenue, Charleston, SC 29403. Article: TP-11 Radiotherapy Planning System. Manufacturer: Atomic Energy of Canada, Canada. Intended use of article: The article is intended to be used in investigations to determine whether increase in survival rates, quality of survival and lowering morbidity can be achieved in cancer treatments. These investigations will involve use of the treatment planning computer to carefully delineate doses of radiation in the volume of interest with maximum and minimum doses clearly specified, and the use of computerized information taken from diagnostic sources, such as CT scanners, and the

extent of the volumes included within the treatment fields, and complete up-to-date records maintained simultaneously on the computer of the outcomes of these treatments. The article will also be used in the education of individuals (residents, medical students, technology students and graduate students in physics and biology) involved in the medical care and delivery of radiation therapy. Application received by Commissioner of Customs: September 24, 1980.

Docket No. 80-00463. Applicant: Harvard Medical School, Purchasing Department, 75 Mount Auburn Street. Cambridge, MA 02138. Article: Mass Spectrometer System, MAT-312. Manufacturer: Varian MAT, West Germany. Intended use of article: The article is intended to be used for biomedical research of the interplay of cells with their environment. In pursuing this research it will be necessary to relate the pathophysiological consequences to known modifications of the interacting compound, i.e., the carbohydrate and glycoconjugate structures, on biosurfaces. Specific projects will include investigations of the following: (1) Heparin structure, (2) Metabolism and function of membrane derived oligosaccharides, (3) Glycoconjugate studies, (4) Structural studies of lipid-linked oligosaccharides, (5) Development studies in glycoconjugate analysis. Application received by Commissioner of Customs: September 24, 1980.

Docket No. 80-00484. Applicant: Presbyterian Hospital of Dallas, 8200 Walnut Hill Lane, Dallas, TX 75231. Article: Electron Linear Accelerator, Therac 6. Manufacturer: Atomic Energy of Canada, Ltd., Canada. Intended use of article: The article is intended to be used in treating patients under prospective clinical trials and its treatment results made available for evaluation and comparison with similar units. The article will also be used for medical and paramedical education and post-education functions. Application received by Commissioner of Customs: September 24, 1980.

Docket No. 80–00465. Applicant:
Presbyterian Hospital of Dallas, 8200
Walnut Hill Lane, Dallas, TX 75231.
Article: Electron Linear Accelerator,
Therac 20. Manufacturer: Atomic Energy
of Canada, Ltd., Canada. Intended use
of article: The article is intended to be
used for cancer treatment with photon
and electrons on large fields with ability
to automatically record and verify each.
Application received by Commissioner
of Customs: September 24, 1980.

Docket No. 80-00467. Applicant: U.S. Department of Commerce, National

Bureau of Standards, Washington, DC 20234. Article: LAMMA 500 Laser Microprobe Mass Analyzer and Accessories. Manufacturer: Leybold-Heraeus GmbH, West Germany. Intended use of article: The article is intended to be used to perform trace analysis of particles of micrometer and sub-micrometer dimensions. A knowledge of trace element speciation as a function of particle size is required for the understanding of environmental effects of various types of particulates such as those found in urban dust, particularly those in the respirable size range of 0.2-3 micrometers. These studies will require a combination of individual sub-micrometer particle analysis, high detection sensitivity, and rapid sample throughput. Fundamental studies using glass microspheres of known composition will be undertaken to develop schemes for quantifying the data generated by the laser microprobe mass analyzer. Application received by Commissioner of Customs: September 24, 1980.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials) Frank W. Creel,

Acting Director, Statutory Import Programs Staff,

[FR Doc. 80-39064 Filed 12-16-80; 8:45 am] BILLING CODE 3510-25-M

National Radio Astronomy Observatory; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 3109 of the Department of Commerce Building, 14th Street and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 80–00256. Applicant:
National Radio Astronomy Observatory,
Post Office Box 0, 1000 Bullock Blvd.,
Socorro, New Mexico 87801. Article: 13
Pieces TE₀₁ Circular Waveguide.
Manufacturer: Sumitomo Electric
Industries, Japan. Intended use of
article: The articles are to be used as
part of the Very Large Array radio
telescope to transmit radio wavelength
radiation received from extraterrestrial
objects to recording apparatus. The
study of this radiation enables

astronomers to study the sources of energy, origin, and evolution of the universe.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to a compatible component for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar component being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials) Frank W. Creel.

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-39065 Filed 12-16-80; 8:45 am] BILLING CODE 3510-25-M

New York State Department of Health; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 80–00253. Applicant: New York State Department of Health, Division of Laboratories & Research, Empire State Plaza, Albany, New York 12201. Article: Gas Chromatograph/Mass Spectrometer/Data System. Manufacturer: Kratos Scientific Instruments, United Kingdom. Intended use of article: The article is intended to be used to identify the exact structure of dioxin present in New York State. The extent and concentration of this environmental contaminate must also be

determined. The article will also be used for the analytical application of metastable ion decompositions.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: This application is a resubmission of Docket Number 79-00349 which was denied without prejudice to resubmission on December 31, 1979 for informational deficiences. The foreign article guarantees a static resolution of 150,000 10% valley. The Department of Health and Human Services advises in its memorandum dated August 21, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11:105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-39066 Filed 12-16-80: 8:45 am] BILLING CODE 3510-25-M

Providence Medical Center; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No.: 80–00273. Applicant: Providence Medical Center, 700 N.E. 47th Avenue, Portland, Oregon 97213. Article: Ultrasonic Generator, RW1 Mk2. Manufacturer: Hawker deHavilland Australia Pty. Ltd., Australia. Intended use of article: The article is intended to be used for studies of the effect of ultrasonic radiation in the reduction of dysfunctional vestibular input in positional vertigo with particular reference to the mode of application and to the side effects of cochlear damage. The basic objective is to determine the efficacy of this mode of treatment for certain types of positional vertigo. The article will be used on specific human subjects who are fully informed as to the experimental nature of this form of treatment and who have been proven to be untreatable with other methods.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a dummy probe (which provides no energy) as well as an active probe (which provides a narrow beam of ultrasound energy ranging from 20 to 70 milliwatts (mW) in 10 mW steps). The Department of Health and Human Services advises in its memorandum dated August 7, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80–39166 Filed 12–16–80; 8:45 am] BILLING CODE 3510–25-M

Stanford University Medical Center; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue NW, Washington, D.C. 20230.

Docket No.: 80-00188. Applicant: Stanford University Medical Center, Stanford, California 94305. Article: LKB 2088 Ultrotome V Ultramicrotome and Accessories. Manufacturer: LKB Produkter AB. Sweden. Intended use of article: The article is intended to be used to section various tissues obtained from rabbit and human cornea which will then be examined by transmission electron microscopy. The intact corneas will be studied both before and after an experimental corneal transplant has been performed and also during various stages of normal post-natal development in the case of the rabbit corneas. The cultures of rabbit and human corneal endothelium will be studied at stages of their development in vitro prior to their involvement in the transplant procedure noted above. The ultrastructural features of the cell cultures will be compared to those of normal endothelial cells in vivo, and also to those of cell cultures that have been transplanted into rabbit corneas for varying amounts of time. Some investigations will study phenomena related to the innervation of the corneal stroma and epithelium in developing rabbits and rats.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (November 28, 1978). Reasons: The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm/sec). The Model MT 5000 ultramicrotome manufactured by Dupont/Sorvall Division of the DuPont Company (Sorvall) has this capacity. However, the most closely comparable domestic instrument available at the time the article was ordered was Sorvall's Model MT-2B ultramicrotome. The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm/ sec. We are advised by the Department of Health and Human Services in its memorandum dated June 6, 1980 that (1) cutting speeds in excess of 4mm/sec. are pertinent to the applicant's research studies and (2) the domestic instrument does not provide the pertinent feature. We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80–39167 Filed 12–16–80; 8:45 am] BILLING CODE 3510–25-M

University of California; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No.: 80-00245. Applicant: University of California, Lawrence Livermore Laboratory, P.O. Box 5012, Livermore, CA 94550. Article: Scanning Electron Microscope, Nanolab 7. Manufacturer: Semco Instruments Company, Ltd., Canada. Intended use of article: The article is intended to be used to develop and analyze a potential manufacturing process for the fabrication of materials study targets, specifically photolithographic techniques as related to advanced ion milling technology. In addition, it will be used as an instrument for characterizing the targets. The basic investigation being attempted is twofold:

(1) measuring the respective parameters of the milled targets; i.e., length, height and surface finish, and

(2) development of a process for measuring the density variance of the high Z coatings as they differ from theoretical density.

Comments: Comments postmarked July 10, 1980 have been received from AMRAY Inc. (AMRAY) which alleged, among other things, that the AMRAY Model 1100 sample chamber which measures 10"x10"x14" in its Model 1000A could certainly meet and in most cases exceed the specifications listed for the foreign article. Decision: Application approved. No instrument or apparatus of

equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (February 19, 1980). Reasons: The foreign article has the capabilities of handling a sample 4.5" in diameter by \\\'2" thick and tilting this sample 90°. The most closely comparable domestic instrument is the Model 1000A manufactured by AMRAY. AMRAY, in its comments, did not contend that its Model 1000A or any other AMRAY model scanning electron microscope can actually handle a 4.5" diameter sample and tilt this sample 90°. The National Bureau of Standards (NBS) advises in its memorandum dated August 26, 1980 that AMRAY has under development the capability of examining a 5" diameter sample, but, even with a sample chamber larger than the article's, AMRAY's currently available instruments do not allow a 90° tilt for a sample 4.5" in diameter by 1/2" thick. We concur. NBS also advises that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purposes and (2) it knows of no domestic instrument or apparatus that provided the pertinent feature at the time the foreign article was ordered.

Based on NBS advice, the information provided above and specifications in our files, we find that the Model 1000A equipped with the Model 1100 sample chamber was not of equivalent scientific value to the foreign article at the time the foreign article was ordered for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.) Frank W. Creel.

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-39169 Filed 12-16-80; 8:45 am] BILLING CODE 3510-25-M

University of Chicago; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of

1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, NW, Washington, D.C. 20230.

Docket No.: 80-00278. Applicant: University of Chicago, Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Illinois 60439. Article: **Automatic Liquid Extraction** Measurement Apparatus. Manufacturer: MEAB Metallextraktion AB, Sweden. Intended use of article: The article is intended to be used for the continuous measurement of partition factors of metal ions in liquid-liquid extraction systems. The materials to be investigated are related to nuclear fuel reprocessing and hydrometallurgical processing. Experiments will be conducted to investigate selective organic extractants for use in liquidliquid extraction.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article operates with corrosive liquids. The National Bureau of Standards advises in its memorandum dated September 24, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Acting Director, Statutory Import Programs

[FR Doc. 80-39170 Filed 12-16-80; 8:45 am] BILLING CODE 3510-25-M

University of Oregon; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c)

of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 80-00259. Applicant: University of Oregon, Eugene, Oregon 97403. Article: Rare Gas Halide Laser, Model TE 861S. Manufacturer: Lumonics Research Limited, Canada. Intended use of article: The article is intended to be used to interact laser photons with molecules; observe photodestruction, appearance of protofragments and photo-ions; and study wavelength dependence, energy and angular distributions. There experiments will be conducted with the aim of understanding molecule-photon interactions as they relate to atmospheric processes, laser media, the interstellar medium, and molecular structure. In addition, the article will be used for educational purposes in the training of physics and chemistry graduate students.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientfic value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is a multigas laser operating at a power of five joules and a repetition rate of 35 hertz. The National Bureau of Standards advises in its memorandum dated September 16, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientfic value of the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Progam No. 11.105, Importation of Duty-Free Educational and Scientific Materials).

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-39068 Filed 12-16-80; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

New York State Department of Environmental Conservation; Issuance of Permit

On October 21, 1980, Notice was published in the Federal Register (45 FR 69583), that an application had been filed with the National Marine Fisheries Service by New York Department of Environmental Conservation, Albany, New York 12233, to take, measure, weigh, and release shortnose sturgeon (Acipenser brevirostrum) in the Hudson River.

Notice is hereby given that on December 11, 1980, and as authorized by the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531– 1543), the National Marine Fisheries Service issued a Scientific Purposes Permit for the above taking to the New York Department of Environmental Conservation, subject to certain conditions set forth therein.

Issuance of this permit, as required by the Endangered Species Act of 1973, is based on the finding that such Permit: (1) was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which is the subject of the Permit; and (3) will be consistent with the purposes and policies set forth in Section 2 of the Act.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Dated: December 11, 1980.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 80-39083 Filed 12-18-80; 8:45 am] BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

December 9, 1980.

The USAF Scientific Advisory Board Space Division Advisory Group will meet on January 22 and 23, 1981, at the Los Angeles Air Force Station, CA. The purpose of the meeting is to review Statellite Data Management, Global Positioning System Additional Uses, and Space Based Radar. The Group will meet from 8:00 a.m. to 4:00 p.m. each

The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at (202) 697–8845.

Carol M. Rose,

Air Force Federal Register Liaison Officer.
[FR Doc. 80–39042 Filed 12-16-80; 8:45 am]
BILLING CODE 3910-01-M

Department of the Army

Army Science Board; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following committee meeting:

Name of the Committee: Army Science Board. Dates of Meeting: January 8 and 9, 1981. Place: The Pentagon, Washington, D.C. Time: January 8, 0630–1630, The Pentagon;

January 9, 0830–1300, The Pentagon.

Proposed Agenda: This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The Army Science Board Ad Hoc Sub-Group on Phase II National Training Center will meet to receive briefings on and examine Army plans to use modern instrumentation technology to evaluate unit exercises at the Army's National Training Center. Persons desiring to attend the meetings should contact the Army Science Board, (202) 697–9703, for specific meeting locations.

Helen Pipon,

Administrative Officer. [FR Doc. 80–39184 Filed 12–16–80; 8:45 am] BILLING CODE 3710–08-M

Military Traffic Management Command, Directorate of Personal Property; Household Goods Transportation Act of 1980

Personal Property Traffic Management Regulations, DOD 4500.34–R.

In compliance with the Household Goods Transportation Act of 1980, this is to announce that regulatory procedures governing the Department of Defense Personal Property Moving and Storage Program are contained in the Personal Property Traffic Management Regulation, DOD 4500.34–R.

The Military Traffic Management Command is the proponent of this regulation. Comments on the content may be submitted by writing to this Command at anytime. The mail address is the Commander, Military Traffic Management Command, ATTN: MT-PPM, Washington, DC 20315.

Copies of the regulation are available through the Superintendent of Documents, Government Printing Office, Public Documents Department, Washington, DC 20420, at a cost of \$20.75 for the basic regulation and all changes thereto.

The DOD 4500.34-R may be reviewed in the Public File at the Military Traffic Management Command, Nassif Building, Room 408, 5611 Columbia Pike, Bailey's Crossroads, Virginia during normal

business hours.

Dated: December 10, 1980.

John J. Durant,

Colonel, GS Director of Personal Property.

[FR Doc. 80-39077 Filed 12-16-80, 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

Compliance With the National Environmental Policy Act; Amendment To Guidelines

ACTION: Notice of proposed amendments to guidelines to provide for a categorical exclusion for certain grants of entitlements for petroleum substitutes.

SUMMARY: Section D of the Department of Energy guidelines for compliance with the National Environmental Policy Act (NEPA) identifies classes of Department of Energy action which normally do not require either an environmental impact statement or an environmental assessment. These are termed "categorical exclusions." Classification of an action as a categorical exclusion raises a rebuttable presumption that any such action will not significantly affect the quality of the human environment. In the NEPA guidelines, it was specified that the Department of Energy might add or remove, after an opportunity for public review, actions identified as categorical exclusions based on experience gained during implementation of the guidelines.

On the basis of recent experience, the Department of Energy has determined that certain applications for entitlements for petroleum substitutes under 10 CFR 211.62 normally are not major Federal actions significantly affecting the quality of the human environment with respect to the provisions of NEPA and therefore are eligible for categorical exclusion status. The actions considered eligible for a categorical exclusion are applications for the grant of entitlements for petroleum substitutes where the facility using the petroleum substitute is existing and operating, and the receipt

of entitlements will not cause an increase in size, product mix, or emissions. The Department of Energy proposes to add this exemption to its list of categorical exclusions in Section D of its NEPA guidelines. Public comment is invited on this proposal. Pending final adoption or rejection of this proposal, the Department of Energy will utilize the categorical exclusion process for these actions on an interim basis. Since each application must be evaluated to determine whether or not it meets the criteria for the categorical exclusion, use of the exclusion during the interim period will result in a reduction in administrative paperwork and not a reduction in the quality of environmental review.

COMMENTS BY: December 31, 1980.

ADDRESS COMMENTS TO: Dr. Robert J.

Stern, at the address listed below.

FOR FURTHER INFORMATION CONTACT:

Dr. Robert J. Stern, Acting Director, NEPA Affairs Division, Office of Environmental Compliance and Overview Office of the Assistant Secretary for Environment, Forrestal Building, Room 4G–064, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252– 4600.

Stephen H. Greenleigh, Esq., Assistant General Counsel for Environment, Forrestal Building, Room 6D-033, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-6947.

SUPPLEMENTARY INFORMATION:

A. Background

On March 28, 1980 (45 FR 20694), the Department of Energy published in the Federal Register final guidelines for implementing the procedural provisions of the National Environmental Policy Act (NEPA) as required by the Council on Environmental Quality (CEQ) regulations (40 CFR 1500–1508). The guidelines are applicable to all organizational units of the Department of Energy, except the Federal Energy Regulatory Commission which is not subject to the supervision or direction of the other parts of the Department.

Section D of the Department NEPA guidelines identified typical classes of Department action which normally do not require either an environmental impact statement or an environmental assessment. These classes of action were identified pursuant to Section 1507.3(b)(2)(ii) of the CEQ regulations referenced above and are termed "categorical exclusions." Section 1508.4 of the CEQ regulations defines a categorical exclusion as a category of actions which do not individually or

cumulatively have a significant effect on the human environment and for which, therefore, neither an environmental assessment nor an environmental impact statement is required. An agency may decide in its procedures or otherwise to prepare environmental assessments even though it is not required to do so. Further, allowances must be provided by an agency for extraordinary circumstances in which a normally excluded action may have a significant environmental effect.

The Department NEPA guidelines state that the Department of Energy may add to or remove actions from the categories in Section D based on experience gained during the implementation of the CEQ regulations and the guidelines. Pursuant to the guidelines, substantive revisions are to be published in the Federal Register and adopted only after opportunity for

public review.

B. Proposed Exclusion

This notice proposes to revise the guidelines by adding a class of action to the list of categorical exclusions in Section D of the guidelines. That class of action is the grant of entitlements for petroleum substitutes where the facility using the petroleum substitute is existing and operating, and the receipt of entitlements will not cause an increase in size, product mix, or emissions.

The listing of certain classes of actions which are categorically excluded from NEPA only raises a presumption that any such actions will not significantly affect the quality of the human environment. For those individual cases where the Department has reason to believe that a significant impact could arise from the grant of entitlements for petroleum substitutes. the Department's NEPA guidelines provide that such cases will be reviewed to ascertain whether an environmental assessment or an environmental impact statement is required. To assist the Department in making this determination, the Department has required in the regulations covering applications for entitlements for petroleum substitutes (10 CFR 211.62) that the applicant complete Form ERA-83. Completion of that form allows the Department to determine, among other things, the operational status of the facility and provides the applicant with the opportunity to declare whether or not the grant of entitlements will cause an increase in the size, product mix, or emissions of the facility. This will be used by the Department of Energy to determine either that no significant impact will result, or that the categorical exclusion does not apply.

To date, all applications for which it has been determined that neither an environmental assessment nor an environmental impact statement are required under NEPA have all met the criteria of the proposed categorical exclusion.

C. Comment Period

Comments concerning this proposal should be submitted by December 31, 1980, to the address indicated in the "Addresses" section of this notice and should be identified on the outside of the envelope as: "Categorical exclusion for certain grants of entitlements for petroleum substitutes." Two copies should be submitted.

Any information or data considered to be confidential must be so identified and submitted in writing, one copy only. We reserve the right to determine the confidential status of such information or data and to treat it according to our determination.

Issued in Washington, D.C., December 12, 1980.

Ruth C. Clusen,

Assistant Secretary for Environment. [FR Doc. 80-39211 Filed 12-16-80; 8:45 am] BILLING CODE 6450-01-M

Assistant Secretary for Conservation and Solar Energy

Approval of a Designated Energy Impact Area Under Section 601 of the Powerplant and Industrial Fuel Use Act

AGENCY: Department of Energy. ACTION: Notice.

SUMMARY: Title VI, Section 601 of the Powerplant and Industrial Fuel Use Act (FUA) (Pub. L. 95-620) provides, inter alia, for the granting of financial assistance to any area designated by a Governor of a State as impacted by increased coal or uranium production development activities. Before the financial assistance may be provided, however, the Secretary of Energy (the Secretary), after consultation with the Secretary of Agriculture, must approve such designation. In accordance with Section 601's requirements and the Department of Agriculture's implementing regualtions (7 CFR Part 1948), the Secretary shall approve a Governor's designation of an energy impact area only if:

A. The Governor provides the Secretary in writing with the data and information on which such designation was made, together with any additional information which the Secretary may require for approval; and

B. The Secretary determines that the following criteria are met:

(1) During the most recent calendar year, the eligible employment in coal or uranium production development activities within the area has increased by eight percent or more from the preceding year, or such employment will increase by eight percent or more per year, during each of the next three calendar years;

(2) This increase has required or will require substantial increases in housing or public facilities and services, or both,

in the area; and

(3) Available State and local financial and other resources are inadequate to meet the public need for housing or public facilities and services at present or in the next three years.

Pursuant to 7 CFR 1948.70(e), DOE hereby gives notice that it has approved. effective November 1, 1980, the following areas as energy impact areas:

Oklahoma: An area consisting of Haskell, Latimer, LeFlore, and Pittsburgh counties.

Pennsylvania: Cambria County. Illinois: White County.

A designated and approved area is eligible for planning grants and other assistance through the Farmers Home Administration, Department of Agriculture, provided that the further requirements of Section 601 and 7 CFR 1948 are met.

FOR FURTHER INFORMATION CONTACT: Ms. Kathy Emmons, Energy Impact Program Manager, Office of Buildings and Community Systems, Mail Stop 1H-031, 1000 Independence Avenue SW., Washington, D.C. 20585 (202) 252-9393.

Issued in Washington, D.C., December 11, 1980.

Frank DeGeorge,

Principal Deputy Assistant Secretary Conservation and Solar Energy.

IFR Doc. 80-39207 Filed 12-16-80; 8:45 am] BILLING CODE 6450-01-M

Office of Conservation and Solar Energy

Energy Conservation Program for Consumer Products; Petition for Waiver of Consumer Product Test Procedures From Hydro Therm, Inc. (Case No. F-002)

AGENCY: Department of Energy. SUMMARY: The energy conservation program for consumer products, other than automobiles, was established pursuant to the Energy Policy Conservation Act. The Department of Energy (DOE) has amended the Department's regulations for the energy conservation program for consumer products by allowing the Assistant Secretary for Conservation and Solar Energy temporarily to waive test procedure requirements for a particular covered product (45 FR 64108, Sept. 26, 1980). Waivers may be granted when characteristics of the product prevent use of the prescribed test procedures or lead to results that provide materially inaccurate comparative data. Pursuant to paragraph (b) of § 430.27 of the Code of Federal Regulations, DOE is required to publish in the Federal Register all received Petitions for Waiver and supporting documents from which confidential information has been deleted in accordance with 10 CFR 1004.11. Also, DOE is required to solicit comments, data and information with respect to the determination of the petition.

DATES: DOE will accept comments, data, and information no later than January 16, 1981.

ADDRESSES: Written comments and statements shall be sent to: Department of Energy, Office of Conservation and Solar Energy, Case No. D-001, Mail Stop GH-068, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT: lames A. Smith, U.S. Department of Energy Office of Conservation and Solar Energy, Room GH-065, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-9127. Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Room 6B-128, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-9526.

SUPPLEMENTARY INFORMATION:

Background

On November 21, 1980, Hydro Therm, Inc., filed a Petition for Waiver from the DOE test procedures for consumer products. Specifically, the petitioner believes that the use of the existing furnace test procedure will lead to results that provide materially inaccurate comparative data when these test procedures are applied to a particular design of furnace manufactured by Hydro Therm, Inc.

In consideration of the foregoing and in accordance with the provisions of § 430.27(b) of Chapter II of Title 10, Code of Federal Regulations, DOE is hereby publishing the "Petition for Waiver" in the Federal Register in its entirety. The petition contains no confidential information. DOE is hereby soliciting comments, data and information

respecting the determination of the petition.

Issued in Washington, D.C., December 11, 1980.

Frank DeGeorge,

Principal Deputy Assistant Secretary, Conservation and Solar Energy.

[FR Doc. 80-39221 Filed 12-16-80; 8:45 am] BILLING CODE 6450-01-M

Energy Conservation Program for Consumer Products; Petition for Walver of Consumer Product Test Procedures From Norris Industries (Case No. D-001)

AGENCY: Department of Energy.

SUMMARY: The energy conservation program for consumer products, other than automobiles, was established pursuant to the Energy Policy Conservation Act. The Department of Energy (DOE) has amended the Department's regulations for the energy conservation program for consumer products by allowing the Assistant Secretary for Conservation and Solar Energy temporarily to waive test procedure requirements for a particular covered product (45 FR 64108, Sept. 28, 1980). Waivers may be granted when characteristics of the product prevent use of the prescribed test procedures or lead to results that provide materially inaccurate comparative data. Pursuant to paragraph (b) of § 430.27 of the code of Federal Regulations, DOE is required to publish in the Federal Register all received Petitions for Waiver and supporting documents from which confidential information, as determined by DOE, has been deleted in accordance with and 10 CFR 1004.11. Also, DOE is required to solicit comments, data and information with respect to the determination of the petition.

DATES: DOE will accept comments, data, and information no later than January 16, 1981.

ADDRESSES: Written comments and statements shall be sent to: Department of Energy, Office of Conservation and Solar Energy, Case No. D-001, Mail Stop GH-068, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT:

James A. Smith, U.S. Department of Energy Office of Conservation and Solar Energy, Room GH-065, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252– 9127. Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Room 6B-128, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-9526.

SUPPLEMENTARY INFORMATION:

Background

On November 5, 1980, Norris Industries filed a Petition for Waiver from the DOE test procedures for consumer products. Specifically, the petitioner believes that the use of the existing dishwasher test procedure will lead to results that provide materially inaccurate comparative data when these test procedures are applied to a particular design of dishwasher manufactured by Norris Industries. Also on the same date, Norris Industries filed a "request for confidential treatment of information contained in the petition for waiver." The petitioner believes the request for confidential treatment is justified in accordance with the applicable provisions of 10 CFR 1004.11.

In consideration of the foregoing and in accordance with the provisions of § 430.27(b) of Chapter II of Title 10, Code of Federal Regulations, DOE is hereby publishing the "Petition for Waiver" in the Federal Register with the information deleted which DOE has determined to be confidential in accordance with 10 CFR 1004.11. DOE is hereby soliciting comments, data and information respecting the determination of the petition.

Issued in Washington, D.C., December 11, 1980.

Frank DeGeorge,

Principal Deputy Assistant Secretary, Conservation and Solar Energy.

[FR Doc. 80-39222 Filed 12-16-80; 8:45 am] BILLING CODE 6450-01-M

Economic Regulatory Administration

ADCO Producing Company, Inc.; Notice of Action Taken and Opportunity for Comment on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy. ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory
Administration (ERA) of the Department
of Energy (DOE) announces action taken
to execute a Consent Order and
provides an opportunity for public
comment on the Consent Order and on
potential claims against the refunds
deposited in an escrow account
established pursuant to the Consent
Order.

DATE: Effective date is November 18, 1980.

COMMENTS BY: January 16, 1981.

ADDRESS: Send written comments to: James C. Easterday, District Manager of Enforcement, Southeast District, ERA, 1655 Peachtree Street, NE., Atlanta, Georgia 30367.

FOR FURTHER INFORMATION CONTACT: Robert H. Burch, Management Analyst, Southeast District, ERA, U.S. Department of Energy, 1655 Peachtree Street, NE., Atlanta, Georgia 30367, Telephone (404) 881–2396.

SUPPLEMENTARY INFORMATION: On November 18, 1980 the Southeast District, Office of Enforcement of the ERA finalized a Consent Order with ADCO Producing Company. Incorporated, a Natchez, Mississippi, producer of crude oil. Under 10 CFR 7205.1991(b), a Consent Order which involves a sum of less than \$500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution. Because of the settlement negotiations involved in this case and the desire to conclude this matter expeditiously, the DOE has determined that it is in the public interest to make the Consent Order with ADCO Producing Company, Inc., effective upon the signatures of the duly authorized representatives of ADCO and ERA.

I. The Consent Order

ADCO Producing Company, Inc., located in Natchez, Mississippi, is a producer of crude oil, and is subject to the jurisdiction of the DOE with regard to classification of properties and prices charged in sales of crude oil pursuant to 10 CFR 212.73 and 212.74. To resolve certain civil actions which could be brought by the Office of Enforcement of the ERA as a result of its audit of ADCO, the Office of Enforcement, ERA, and ADCO entered into a Consent Order, the significant terms of which are as follows:

1. The Consent Order relates to prices charged by ADCO in sales of domestic crude oil from properties it operated during the period January 1, 1976 through November 30, 1979.

2. From the audit conducted during the above period, the Office of Enforcement concluded that as a result of apparent erroneous classification of properties operated by ADCO, crude oil production was sold in excess of the maximum

allowable selling price.

3. ADCO agrees to sell all future production of crude oil produced from a property it operates at \$10.00 per barrel below the current legally permissible selling price, with discretionary option to withhold more, until \$99,522.33 together with interest calculated monthly on the unpaid balance is

withheld and paid in accordance with terms and conditions specified in

Paragraph 4, below.

4. ADCO shall forward, by certified check on a monthly basis to the Assistant Administrator for Enforcement, Economic Regulatory Administration, Room 5302, 2000 M Street, Washington, D.C. 20461, the sums withheld as overcharges and interest in accordance with the Consent Order. These payments shall be deposited in the DOE escrow account with the U.S. Treasury to ensure just and equitable distribution in accordance with current DOE policies and procedures. Additionally, ADCO agrees to pay a civil penalty of \$2,500.00 to the U.S. Department of Energy.

5. The provisions of 10 CFR 205.199], including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In the Consent Order, ADCO agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1, and I.2 above, the sum of \$99,522.00, together with interest, by November 18, 1983. Refund methodology will be as specified in I.3 and I.4., above. The amounts submitted to the Assistant Administrator will be in the form of certified checks made payable to the U.S. Department of Energy and will be delivered to the Office of the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires, that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67.

In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment

to the Treasury of the United States pursuant to 10 CFR 205.1991(a).

III. Submission of Written Comments

A. Potential Claimants: Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. Other Comments: The ERA invites interested persons to comment on the terms, conditions, or procedural aspects

of this Consent Order.

You should send your comments or written notification of a claim as specified in A & B above to James C. Easterday, District Manager of Enforcement, Southeast District, ERA, 1655 Peachtree Street, NE, Atlanta, Georgia 30367. You may obtain a copy of this Consent Order, with proprietary information deleted, by writing to the same address.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on ADCO Consent Order."

Comments received by 4:30 p.m., local time, January 16, 1981, will be considered. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Atlanta, Georgia on the 26th day of November 1980.

James C. Easterday,

District Manager of Enforcement.

Concurrence:

Susan Tate,

Acting Chief Enforcement Counsel.

[FR Doc. 80–39209 Filed 12–16–80; 8-45 am]

BILLING CODE 6450-01-M

Belridge Oil Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory
Administration, Department of Energy.
ACTION: Notice of Action Taken on
Consent Order.

SUMMARY: The Economic Regulatory
Administration (ERA) of the Department
of Energy (DOE) announces notice of
filing a Petition for the Implementation
of Special Refund Procedures for
refunds received pursuant to a Consent
Order

DATE: Petition to the Office of Hearings and Appeals: December 5, 1980.

FOR FURTHER INFORMATION CONTACT:

Charles L. Croxton, Program Manager for Natural Gas Liquids, Program Operations Division, Office of Enforcement, 2000 M Street, N.W., Room 5204, Washington, D.C. 20461 (202) 653– 3541.

SUPPLEMENTARY INFORMATION: On August 28, 1980, the Office of Enforcement of the ERA published notification in the Federal Register that it executed a Consent Order with Belridge Oil Company, (BOC) of Los Angeles, California on July 10, 1980, 45 FR 57520 (1980). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund of overcharges paid by BOC pursuant to the Consent Order were requested to submit notice of their claims to the EPA. Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. The Consent Order was therefore not modified.

Pursuant to the Consent Order, BOC refunded the sum of \$95,821.49 by certified check made payable to the United States Department of Energy. This sum has been received by DOE and it has been placed into a suitable account pending determination of its proper distribution.

The following person submitted a claim to the ERA: Chervon U.S.A.

Action taken: The ERA is unable readily to identify the persons entitled to receive the \$95.821.49 or to ascertain the amounts of refunds that such persons are entitled to receive. The ERA has therefore petitioned the Office of Hearings and Appeals (OHA) on December 5, 1980 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 et seq. to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believes they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205. Subpart V.

Issued in Washington, D.C., on the 9th day of December 1980.

Robert Gerring,

Director, Program Operations Division.
[FR Doc. 80-39069 Filed 12-16-80; 8:45 am]
BILLING CODE 6450-01-M

Crystal Oil Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory
Administration, Department of Energy.
ACTION: Notice of Action Taken on
Consent Order.

SUMMARY: The Economic Regulatroy
Administration (ERA) of the Department
of Energy (DOE) announces notice of
filing a Petition for the Implementation
of Special Refund Procedures for
refunds received pursuant to a Consent
Order.

DATE: Petition submitted to the Office of Hearings and Appeals: December 8, 1980.

FOR FURTHER INFORMATION CONTACT: Crude Producers Branch, Attn: John Marks, Office of Enforcement, Room 5002, 2000 M Street, NW., Washington, D.C. 20461, Telephone Number (202) 653–3517.

SUPPLEMENTARY INFORMATION: On April 28, 1980, the Office of Enforcement of the ERA published notification in the Federal Register that it executed a Consent Order with Crystal Oil Company, (COC) of Shreveport, Louisiana on December 13, 1979, 45 FR 21189 (1980). Interested persons were invited to submit comments concerning the terms, conditions or procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund of overcharges paid by COC pursuant to the Consent Order were requested to submit notice of their claims to the ERA.

Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. The Consent Order was therefore not modified.

Pursuant to the Consent Order, COC refunded the sum of \$203,596.20 by certified check made payable to the United States Department of Energy on Feburary 5, 1980. This sum was received by DOE and has been placed into a suitable account pending determination of its proper distribution.

The following person submitted a claim to the ERA: Defense Logistics Agency.

ACTION TAKEN: The ERA is unable readily to identify the persons entitled to receive the \$203,596.20 or ascertain the amounts of refunds that such persons are entitled to receive. The ERA

has therefore petitioned the Office of Hearings and Appeals (OHA) on December 8, 1980 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 et seq. to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C., on the 11th day of December 1980.

Robert D. Gerring,

Director, Program Operations Division.
[FR Doc. 80-39070 Filed 12-16-80; 8:45 am]
BILLING CODE 6450-01-88

Graner Oil Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy. ACTION: Notice of Action Taken on Consent Order.

SUMMARY: The Economic Regulatory
Administration (ERA) of the Department
of Energy (DOE) announces notice of
filing a Petition for the Implementation
of Special Refund Procedures for
refunds received pursuant to a Consent
Order.

DATE: Petition submitted to the Office of Hearings and Appeals: December 5, 1980.

FOR FURTHER INFORMATION CONTACT: Crude Producers Branch, Attn: John Marks, Office of Enforcement, Room 5002, 2000 M Street, N.W., Washington, D.C. 20461, Telephone Number (202) 653–3517.

SUPPLEMENTARY INFORMATION: On November 23, 1979, the Office of Enforcement of the ERA published notification in the Federal Register that it executed a Consent Order with Graner Oil Company, (GOC) of Los Angeles, California on September 25, 1979, 44 FR 67206 (1979). Interested persons were invited to submit comments concerning the terms, conditions or procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund of overcharges paid by GOC pursuant to the Consent Order were requested to submit notice of their claims to the ERA.

Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. The Consent Order was therefore not modified.

Pursuant to the Consent Order, GOC refunded the sum of \$91,505.39 by

certified check made payable to the United States Department of Energy on September 25, 1979. This sum was received by DOE and has been placed into a suitable account pending determination of its proper distribution.

Action taken: The ERA is unable readily to identify the persons entitled to receive the \$91,505.39 or ascertain the amounts of refunds that such persons are entitled to receive. The ERA has therefore petitioned the Office of Hearings and Appeals (OHA) on December 5, 1980 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 et seq. to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C., on the 9th day of December 1980.

Robert D. Gerring,

Director, Program Operations Division.
[FR Doc. 80-39071 Filed 12-16-80; 8:45 am]
BILLING CODE 6450-01-M

Hertz Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy. ACTION: Notice of final action taken on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces final action on a Consent Order.

EFFECTIVE DATE: December 11, 1980.

FOR FURTHER INFORMATION CONTACT:
Thomas M. Holleran, Program Manager,
Product Retailer Branch Office of
Enforcement, Economic Regulatory
Administration, 2000 M Street, N.W.,
Room 5108, Washington, D.C. 20461.

SUPPLEMENTARY INFORMATION: On October 7, 1980, the ERA executed a proposed Consent Order with The Hertz Corporation, Rent-A-Car Division (Hertz). Under 10 CFR 205.199J(c), a proposed Consent Order becomes effective only after the ERA has published notice of its execution and solicits and considers public comments with respect to its terms. Therefore, the ERA published a Notice of Proposed Consent Order and invited interested persons to comment on the proposed Order (45 FR 69003, October 17, 1980).

At the conclusion of the thirty-day comment period, the ERA had received two comments from the general public. One comment recommended that the

DOE mandate the use of more accurate fuel gauges on all rental vehicles. The other comment suggested that the ERA permit customers who rented during the period covered by the Consent Order to submit copies of their invoices for readjustment.

The ERA carefully considered both comments. The first did not offer any substantive comment on the terms, conditions or procedural aspects of this Consent Order. The remedy suggested by the second comment was considered by the ERA to be too cumbersome to monitor, impractical and not administratively feasible.

Neither the ERA nor Hertz has sought to modify the Consent Order.
Accordingly, the ERA has concluded that the Consent Order as executed between the ERA and Hertz is an appropriate resolution of the issues which it described, and it shall become effective as proposed without modification, upon publication of this Notice.

Issued in Washington, D.C., on December 11, 1980.

Robert D. Gerring,

Director, Program Operations Division, Office of Enforcement, Economic Regulatory Administration.

[FR Doc. 80-39072 Filed 12-16-80; 8:45 am] BILLING CODE 6450-01-M

Hixon Development Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory
Administration, Department of Energy.
ACTION: Notice of action taken on
consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: December 5, 1980.

FOR FURTHER INFORMATION CONTACT: Crude Producers Branch, Attn: John Marks, Office of Enforcement, Room 5002, 2000 M Street, NW., Washington, D.C. 20461, Telephone Number (202)

SUPPLEMENTARY INFORMATION: On July 11, 1979, the Office of Enforcement of the ERA published notification in the Federal Register that it executed a Consent Order with Hixon Development Company, (HDC) of San Antonio, Texas on June 25, 1979, 44 FR 40546 (1979).

Interested persons were invited to submit comments concerning the terms, conditions or procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund of overcharges paid by HDC pursuant to the Consent Order were requested to submit notice of their claims to the ERA.

Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. The Consent Order was therefore not modified.

Pursuant to the Consent Order, HDC refunded the sum of \$45,000 by certified checks made payable to the United States Department of Energy by July 25, 1980 in 5 equal installments. This sum was received by DOE and has been placed into a suitable account pending determination of its proper distribution.

The following person submitted a claim to the ERA:

Tesoro Petroleum Corporation

ACTION TAKEN: The ERA is unable readily to identify the persons entitled to receive the \$45,000.00 or ascertain the amounts of refunds that such persons are entitled to receive. The ERA has therefore petition the Office of Hearings and Appeals (OHA) on December 5, 1980 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 et seq. to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C., on the 9th day of December 1980.

Robert D. Gerring,

Director, Program Operations Division.
[FR Doc. 80–39073 Filed 12–16–80; 8:45 am]
BILLING CODE 6450–01-M

[Docket No. ERA-FC-80-038; ERA Case No. 51998-2322-08-22]

Nevada Power Co.; Acceptance of Examination Petition

AGENCY: Economic Regulatory
Administration, Department of Energy.

ACTION: Notice of Acceptance of Exemption Petition.

SUMMARY: On October 27, 1980, Nevada Power Company (Nevada Power) petitioned the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for a permanent peakload powerplant exemption from the provisions of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act) (42 U.S.C. 8301 et seq.), which prohibit the use of petroleum or natural gas in new powerplants. Criteria for petitioning for a permanent peakload powerplant exemption were published June 6, 1980, (45 FR 38276, 38320) as §§ 501.3 and 503.41 of the Final Rule implementing the Act.

Nevada Power proposes to install an 86,566 kilowatt natural gas/oil-fired gas combustion turbine unit to be known as Clark Unit No. 8, and certifies that the unit will be operated solely as a peakload powerplant and will be operated to meet peakload demand for the life of the unit.

FUA imposes statutory prohibitions against the use of petroleum or natural gas by new powerplants. ERA's decision in this matter will determine whether the proposed powerplant qualifies for the requested exemption.

ERA has accepted this petition pursuant to 10 CFR 501.3 and 501.63. In accordance with the provisions of sections 701 (c) and (d) of FUA, and 10 CFR 501.31 and 501.33, interested persons are invited to submit written comments in regard to this matter, and any interested person may submit a written request that ERA convene a public hearing.

DATES: Written comments are due on or before February 2, 1981. A request for a public hearing may be made by any interested person within this same 45day period

ADDRESSES: Fifteen copies of written comments, or a request for a public hearing shall be submitted to:
Department of Energy, Case Control Unit, Box 4629, Room 3214, 2000 M
Street, NW., Washington, D.C. 20461.

Docket Number ERA-FC-80-038 should be printed clearly on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

William L. Webb, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room B-110, Washington, D.C. 20461, Phone (202) 653–4055.

Louis T. Krezanosky, New Powerplants Branch, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room 3012 B, Washington, D.C. 20461, Phone (202) 653–4208.

Marilyn Ross, Office of General Counsel, Department of Energy, 6B– 178 Forrestal Bldg., Washington, D.C. 20585, Phone (202) 252–2967. prohibits the use of natural gas or petroleum in certain new powerplants unless an exemption for such use has been granted by ERA. Nevada Power has filed a petition for a permanent peakload powerplant exemption to use natural gas or petroleum as a primary energy source in Clark Unit No. 8.

As part of its petition, Nevada Power submitted a sworn statement by a duly authorized officer, Mr. J. H. Zornes, Vice President, Generation, as required by 10 CFR 503.41(b)(1). In his statement, Mr. Zornes certified that the proposed natural gas/oil-fired combustion turbine will be operated solely as a peakload powerplant and will be operated only to meet peakload demand for the life of the unit.

Mr. Zornes also certified that the maximum design capacity of the powerplant is 86,566 kilowatts and that the maximum generation that will be allowed during any 12-month period is the design capacity times 1,500 hours or 129,849,000 Kwh.

Under the requirements of 10 CFR 503.41(a)(2)(ii), if a petitioner proposes to use natural gas or to construct a powerplant to use natural gas in lieu of an alternate fuel as a primary energy source, he must obtain a certification from the Administrator of the Environmental Protection Agency or the director of the appropriate state air pollution control agency. This certification must state that the use by the powerplant of any available alternate fuel as a primary energy source will cause or contribute to a concentration, in an air quality control region or any area within the region, of a pollutant for which any national air quality standard is or would be exceeded. However, since ERA has determined that there are no presently available alternate fuels which may be used in the proposed powerplant, no such certification can be made. The certification requirement is therefore waived with respect to this petition.

ERA retains the right to request additional relevant information from Nevada Power at any time during the pendency of these proceedings where circumstances or procedural requirements may require.

The public file, containing documents on these proceedings and suporting materials, is available for inspection upon request at: ERA, Room B-110, 2000 M Street, NW., Washington, D.C. 20461, Monday-Friday, 8:00 a.m.-4:30 p.m.

Issued in Washington, D.C., on December 10, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80-39210 Filed 12-16-80: 8:45 am] BILLING CODE 6450-01-M

Newmont Oil Co.; Action taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy. ACTION: Notice of action taken on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: December 5, 1980.

FOR FURTHER INFORMATION CONTACT: Crude Producers Branch, Attn: John Marks, Office of Enforcement, Room 5002, 2000 M Street, N.W. Washington, D.C. 20461, Telephone Number (202) 653–3517.

SUPPLEMENTARY INFORMATION: On July 31, 1979, the Office of Enforcement of the ERA published notification in the Federal Register that it executed a Consent Order with Newmont Oil Company, (NOC) of Houston, Texas on July 19, 1979, 44 FR 44926 (1979). Interested persons were invited to submit coments concerning the terms. conditions or procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund of overcharges paid by NOC pursuant to the Consent Order were requested to submit notice of their claims to the ERA.

Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. The Consent Order was therefore not modified.

Pursuant to the Consent Order, NOC refunded the sum of \$60,000 by certified check made payable to the United States Department of Energy. This sum was received by DOE and has been placed into a suitable account pending determination of its proper distribution.

ACTION TAKEN: The ERA is unable readily to identify the persons entitled to receive the \$60,000 or ascertain the amounts of refunds that such persons are entitled to receive. The ERA has therefore petitioned the Office of Hearings and Appeals (OHA) on

December 5, 1980 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 et seq. to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C., on the 9th day of December 1980.

Robert D. Gerring,

Director, Program Operations Division.
[FR Doc. 80-39074 Filed 12-16-80: 8:45 am]
BILLING CODE 6450-01-M

Tipperary Oil & Gas Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy. ACTION: Notice of action taken on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: December 5, 1980

FOR FURTHER INFORMATION CONTACT: Crude Producers Branch, Attn: John Marks, Office of Enforcement, Room 5002, 2000 M Street, N.W. Washington, D.C. 20461, Telephone Number (202) 653-3517.

SUPPLEMENTARY INFORMATION: On October 19,1979, the Office of Enforcement of the ERA published notification in the Federal Register that it executed a Consent Order with Tipperary Oil and Gas Corporation, (TOG) of Midland, Texas on October 11. 1979, 44 FR 60369 (1979). Interested persons were invited to submit comments concerning the terms, conditions or procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund of overcharges paid by TOG pursuant to the Consent Order were requested to submit notice of their claims to the ERA.

Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. The Consent Order was therefore not modified.

Pursuant to the Consent Order, TOG is refunding the sum of \$213,533 by certified checks made payable to the United States Department of Energy

over a period of twenty-four months. All such funds received by DOE have been placed into a suitable account pending determination of its proper distribution.

ACTION TAKEN: The ERA is unable readily to identify the persons entitled to receive the \$213,533 or ascertain the amounts of refunds that such persons are entitled to receive. The ERA has therefore petitioned the Office of Hearings and Appeals (OHA) on December 5, 1980 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 et seq. to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C., on the 9th day of December 1980.

Robert D. Gerring,

Director, Program Operations Division.
[FR Doc. 80-39075 Filed 12-18-80; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 3616-000]

American Hydro Power Co.; Application for Preliminary Permit

December 11, 1980.

Take notice that American Hydro Power Company (Applicant) filed on October 27, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3616 to be known as Noone Mills Project located on the Contoocook River in Peterborough, Hillsborough County, New Hampshire. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Peter A. McGrath, American Hydro Power Company, Two Aldwyn Center, Villanova, Pennsylvania 19085. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of existing project works including: (1) Noone Mills Dam, a composite concrete, timber, and stone dam consisting of: (a) a main dam section about 140-feet long and 20-feet high containing a main overflow section 102-feet long and 20-feet high at crest

elevation 754 feet m.s.l.; (b) a spillway section 34-feet long and 18-feet high at crest elevation 751.3 feet m.s.l. at the right (east) abutment; (c) a sluice gate, 4.5-feet high and 4-feet wide, between the main dam section and the spillway section; and (d) an intake structure at the left abutment; (2) a reservoir with storage capacity of 315 acre-feet at surface elevation 754 feet m.s.l.; (3) a penstock, 5.5-feet in diameter and about 160-feet long; (4) a powerhouse area in the mill building, with a proposed installed capacity of 280 kW; (5) a tailrace and discharge channel; and (6) other appurtenances.

The Applicant estimates that the average annual energy output would be

1,000,000 kWh.

Purpose of Project—Project energy would be sold to the Public Service Company of New Hampshire.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would perform hydraulic, construction, economic, environmental, historic, and recreational studies, and if the proposed project is determined feasible, prepare an application for an FERC license. Applicant estimates cost of studies under the permit would not exceed

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments-Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 17, 1981, either the competing application itself or a notice

of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than April 20, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene-Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before February 17, 1981.

Filing and Service of Responsive Documents-Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION" "COMPETING APPLICATION" "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in respone to this notice of application for preliminary permit for Project No. 3616. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-39121 Filed 12-16-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-152-000]

Arizona Public Service Co.; Filing

December 11, 1980.

The filing Company submits the following:

Take notice that on December 1, 1980, Arizona Public Service Company (APS) tendered for filing Supplement No. 17 of an Agreement with Navajo Tribal Utility Authority (NTUA), FPC Rate Schedule No. 6, for the delivery of part of NTUA's entitlement at the Arizona site from APS' Four Corners Generating Station near Farmington, New Mexico to NTUA at Jeddito, Arizona. APS states that the Supplement provides for no change of rate and is not a rate increase.

Copy of the filing was served upon the Arizona Corporation Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal **Energy Regulatory Commission, 825** North Capitol Street, NE, Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8. 1.10). All such petitions or protests should be filed on or before December 30, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

(FR Doc. 80-39122 Filed 12-16-80; 8:45 am) BILLING CODE 6450-85-M

[Project No. 3460]

Cascade Waterpower Development Corp.; Application for Preliminary Permit

December 11, 1980.

Take notice that Cascade
Waterpower Development Corporation
(Applicant) filed on September 12, 1980,
an application for preliminary permit
[pursuant to the Federal Power Act, 16
U.S.C §§ 791(a)—825(r)] for proposed
Project No. 3460 to be known as
Wickiup Dam Project located on

Deschutes River in Deschutes County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. David Holzman, P.O. Box 246, June Lake, California 93529. The proposed project lies wholly on lands owned by the U.S. Water and Power Resources Service (WPRS).

Project Description—The proposed project would consist of: an intake structure, a penstock through the existing WPRS' 100-foot high, rockfaced, zoned earth fill Wickiup Dam, a powerhouse, a tailrace channel, and transmission line. The project would utilize excess irrigation water.

The Applicant estimates that the average annual energy output would be approximately 8 GWh.

Purpose of Project—Applicant intends to market the power generated by the project to local public utilities.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time Applicant would conduct studies and surveys, perform preliminary designs, quantity and cost estimates, and a feasibility analysis, conduct environmental studies and assessments, and prepare an FERC license application. No new roads are required to complete the studies.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments-Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal requests for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 12, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than April 13, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before February 12, 1981.

Filing and Service of Responsive Documents-Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS". "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3460. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-99123 Filed 12-16-80; 8:45 am] BILLING CODE 6450-85-M

BILLING CODE 0450-03-M

[Project No. 3431]

City of East Providence, Rhode Island; Application for Preliminary Permit

December 11, 1980.

Take notice that the City of East Providence (Applicant) filed on September 2, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for proposed Project No. 3431 to be known as Hunt's Mill Project located on the Ten Mile River in the City of East Providence, Providence County, Rhode Island. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Owen Devine, Superintendent of Water Department, East Providence Water Supply, Hunts Mills, East Providence, Rhode Island 02914. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description-The proposed run-of-the-river project would consist of existing project works including: (1) James V. Turner Reservoir Dam, a concrete and masonry structure about 120 feet long and 19.4 feet high with a full-length overflow spillway; (2) a reservoir with a surface area of 238 acres at spill way crest elevation 49.0 feet m.s.l. and having negligible storage capacity; (3) a penstock, 66 inches in diameter and 2,200 feet long; (4) a powerhouse with an existing 144 kW turbine-generator unit and space to accomodate an additional new unit for a proposed total installed capacity of 280 kW; (5) a tailrace about 115 feet long;

and (6) other appurtenances.

The Applicant estimates that the average annual energy output would be 1,248,300 kWh.

Purpose of Project—Project energy will be sold to the Narragansett Electric

Company.

Proposed Scope and Cost of Studies
under Permit—Applicant seeks issuance
of a preliminary permit for a period of 30
months, during which time it would
perform hydraulic, construction,
economic, environmental, historic, and
recreational studies, and if the proposed
project is determined feasible, prepare
an application for FERC license.

Applicant estimates cost of studies under the permit would not exceed \$50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments-Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before January 23, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than March 24, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d)

(1980).

Comments, Protests, or Petitions to Intervene-Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or

petition to intervene must be filed on or before January 23, 1981.

Filing and Service of Responsive Documents-Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION' "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3431. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First St., NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-30124 Filed 12-18-80; 8:45 am] BILLING CODE 6450-85-M

[Projects Nos. 3432, 3433, 3434, and 3435]

City of Hope, Arkansas; Applications for Preliminary Permit

December 12, 1980.

Take notice that four applications were filed for preliminary permits on September 3, 1980, under the Federal Power Act, [16 U.S.C. 791(a)–825(r)] by the City of Hope, Arkansas for the projects described below.

Correspondence with the Applicant on these projects should be addressed to: Mr. John D. Swift, Utilities Manager, City of Hope, City Hall, Hope, Arkansas 71801, and Mr. Donald Hicks, Vice President, Mayes, Sudderth & Etheredge, Inc., 1501 North University, Suite 564, Little Rock, Arkansas 72207.

Dequeen Hydroelectric Project No. 3432 would be located at the U.S. Army Corps of Engineers' Dequeen Lake flood control project, on the Rolling Fork River near Dequeen, in Sevier County,

Arkansas.

Dierks Hydroelectric Project No. 3433 would be located at the U.S. Army Corps of Engineers' Dierks Dam and Lake flood control project, on the Saline River near Dierks, in Howard County, Arkansas.

Gillham Hydroelectric Project No. 3434 would be located at the U.S. Army Corps of Engineers' Gillham Dam and Lake flood control project, on the Cossatot River near Gillham, in Howard County, Arkansas.

Millwood Hydroelectric Project No. 3435 would be located at the U.S. Army Corps of Engineers' Millwood Lake flood control project, on the Little River near Ashdown, in Hempstead County, Arkansas.

Project Description—The four projects would each utilize an existing U.S. Army Corps of Engineers' (Corps) dam and reservoir.

Project No. 3432 would consist of: (1) a new powerhouse immediately downstream from the dam; (2) conduits and flow control devices to divert water from the existing outlet works to the powerhouse containing a 1,500 kW turbine-generator unit; (3) a 34.5-kV transmission line approximately 3-miles long; (4) a step-up substation, and (5) other appurtenances. Applicant estimates the annual generation would average about 7,400,000 kWh.

Project No. 3433 would consist of: (1) a new powerhouse; (2) conduits and flow control devices to divert water from the existing outlet works to the powerhouse containing a 1,500 kW turbine-generator unit; (3) a 69-kV or 115-kV transmission line approximately 5-miles long; (4) a step-up substation; and (5) other appurtenances. Applicant estimates the annual generation would average 7,000,000 kWh at a net head of 113 feet.

Project No. 3434 would consist of: (1) a new powerhouse immediately downstream from the dam; (2) conduits and flow control devices to divert water from the existing outlet works to the powerhouse containing a 5,000 kW turbine-generator unit; (3) a 69-kV or 115-kV transmission line approximately 4-miles long; (4) a step-up substation; and (5) other appurtenances. Applicant estimates the annual generation would average about 22,000,000 kWh at a net head of 120 feet.

Project No. 3435 would consist of: (1) a new powerhouse; (2) conduits and flow control devices to divert water from the existing outlet works to the powerhouse containing three 5 MW turbine-generator units; (3) a 115-kV transmission line about 1-mile long; (4) a step-up substation; and (5) other appurtenances. Applicant estimates the

annual generation would average about 87,000,000 kWh at a net head of 62 feet.

Purpose of Project—Energy produced at the above described projects would be utilized primarily within the City of Hope's electrical system for municipal purposes, and any excess energy would be sold to Southwestern Electric Power Company (SWEPCO) for use by customers in SWEPCO's service area.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of four preliminary permits, each for a period of three years, during which time it would perform for each proposed project, data collection, site reconnaissance, hydrological studies, preliminary design and economic feasibility studies, and as appropriate, prepare applications for FERC licenses, including environmental reports. Applicant estimates the cost of feasibility studies under each permit would be \$45,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments-Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described applications for preliminary permit. (A copy of each application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—These four applications (Projects Nos. 3432, 3433, 3434, and 3435) were filed as competing applications to Arkansas Electric Cooperative's applications filed on March 24, 1980, for the Dequeen Project No. 3095, Dierks Project No. 3097, Gillham Project No. 3096, and Millwood Project No. 3100, respectively, under 18 CFR 4.33 (as amended, 44 FR 61328, October 25, 1979), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene-Anyone desiring to be heard or to make any protest about these applications should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before January 29, 1981, and must specify which of the above applications is being addressed. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The applications are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-39125 Filed 12-16-80; 8:45 am] BILLING CODE 6450-85-M

[Project No. 3556-000]

City of Shawano; Application for Preliminary Permit

December 11, 1980.

Take notice that the City of Shawano (Applicant) filed on October 10, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for proposed Project No. 3556 to be known as the Leopolis Dam, located on the Embarrass River in the County of Shawano, Wisconsin. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Michael P. May and J. Leroy Thilly, Boardman, Suhr, Curry, and Field, P.O. Box 927, Madison, Wisconsin 53701. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an existing reservoir with a storage capacity of 9.86 acre-feet at normal power pool elevation

of 898 feet m.s.l.; (2) an existing 56-foot long and 10.5 feet high earthen dam; (3) a proposed powerhouse with generating units having a total installed capacity of 60 kW; (4) proposed 12.47 kV and 34.5 kV transmission lines; and (5) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 260,000 kWh.

Purpose of Project—The power generated at the project would be used to supply a portion of the Applicant's electric load.

Proposed Scope and Cost of Studies
Under Permit—The Applicant seeks
issuance of a preliminary permit for a
period of 36 months, during which time a
study would be made of the engineering,
environmental, and economic feasibility
of the project. This study would also
include the cost of constructing a
powerhouse and rehabilitating the
existing dam, along with preparing
preliminary and final design plans to
support an application for a license. The
Applicant estimates the cost of the
proposed studies would be \$31,500,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments-Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before January 23, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than March 24, 1981. A notice of intent must

conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d)(1980).

Comments, Protests, or Petitions To Intervene-Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR, 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before January 23, 1981.

Filing and Service of Responsive Documents-Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION" "COMPETING APPLICATION" "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3556. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First St., NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-39126 Filed 12-16-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3558-000]

City of Shawano; Application for Preliminary Permit

December 11, 1980.

Take notice that the City of Shawano (Applicant) filed on October 10, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3558 to be known as the Caroline Dam, located on the Embarrass River in the County of Shawano, Wisconsin. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Michael P. May and J. Leroy Tilly, Boardman, Suhr, Curry, and Field, P.O. Box 927, Madison, Wisconsin 53701. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an existing reservoir with a storage capacity of 127.4 acre-feet at normal power pool elevation of 897.9 feet m.s.l.; (2) an existing 110-foot long and 15-foot high concrete dam; (3) an existing woodframe powerhouse that was used to run a gristmill. The powerhouse would contain generating units having a total installed capacity of 205 kW; (4) proposed 12.47 kV and 34.5 kV transmission lines; and (5) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 900,000 kWh.

Purpose of Project—The power generated at the project would be used to supply a portion of the Applicant's electric load.

Proposed Scope and Cost of Studies under Permit-The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time a study would be made of the engineering. environmental, and economic feasibility of the project. This study would also determine the feasibility of converting the existing powerhouse to produce electric power or if a new powerhouse would be required. In addition, the studies will include preliminary and final design plans to support an application for a license. The Applicant estimates the cost of the proposed studies would be \$41,500,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary

studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments-Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before January 23, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intentallows an interested person to file the competing application no later than March 24, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c)(1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and

(d)(1980).

Comments, Protests, or Petitions to Intervene-Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before January 23, 1981.

Filing and Service of Responsive
Documents—Any comments, notices of
intent, competing applications, protests,
or petitions to intervene must bear in all
capital letters the title "COMMENTS".
"NOTICE OF INTENT TO FILE
COMPETING APPLICATION".
"COMPETING APPLICATION".

"PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3556. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Pederal Energy Regulatory Commission, 825 North Capitol Street., NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First St., NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-39127 Filed 12-16-80; 8:45 am] BILLING CODE 6450-85-M

[Docket No. GP80-11]

Columbia Gas Transmission Corp.; Third Party Protest 1

December 12, 1980.

Take notice that in accordance with the procedures established by the Federal Energy Regulatory Commission (Commission) in Order No. 23–B ², and "Order on Rulemaking of Order 23–B" ³ The Associated Gas Distributors (AGD) filed a third-party protest on November 17, 1980 contesting the assertion by Columbia Gas Transmission Corporation (Columbia) and certain producers that contracts identified in its protest ⁴ constitute authority for the producers to charge and collect any applicable maximum lawful price under the Natural Gas Policy Act of 1978 (NGPA).

Any person, other than the pipeline and the seller, desiring to be heard or to make any responses with respect to these protests should file with the Commission, on or before December 30, 1980 a petition to intervene; in accordance with 18 CFR 154.94(j)(4)(ii), the seller in the first sale is automatically joined as a party. Kenneth F. Plumb, Secretary.

Appendix

I. AGD adds the following contracts to Type I in the Appendix to its November 14, 1979 Protest of Columbia's Appalachian production, and protests them accordingly:

Seller	Date
Doran & Associates, Inc	7/28/80
W. E. Elliot, Sr., Trustee	7/28/80
Flint Oil & Gas, Inc.	8/28/80
J & J Enterprises, Inc., et al	8/13/80
PIP Energy—I Drilling Co	7/15/80
PIP Energy—III Drilling Co	8/5/80
PIP Energy—III Drilling Co	8/5/80
West Union Drilling Co. No 1	7/15/80
L & M Associates, Inc	9/2/80
Oil & Gas Operators, Inc., and P & G Exploration, Inc.	7/7/80
P & G Exploration, Inc. and Oil & Gas Operators, Inc.	8/13/80-
Rainbow 1, 2, & 3, 1979 and Warren R. Haught	7/28/80
Mirada Drilling Limited Partnership	7/28/80
Trio Petroleum Corp	7/28/80
Victory Development Co	7/28/80

II. AGD adds the following contracts to Type 5 in the Appendix to its November 14, 1979 Protests of Columbia's Appalachian production, and protests them accordingly:

Seller	Date
Alco Oil Co	4/27/64
Spartain Gas Co	4/27/44

III. AGD adds the following contracts to Type 13 in the Appendix to its November 14, 1979 Protest of Columbia's Appalachian production, and protests them accordingly:

Selfer	Date
Raiph Kirtley	8/5/69 10/30/72

IV. AGD adds the following contracts to Type 15 in the Appendix to its November 14, 1979 Protest of Columbia's Appalachian production, and protests it accordingly:

Seller	Date
Capitol Oil & Gas Co. Ltd., Partnership	8/14/63

V. AGD adds the following contracts to Type 19 in the Appendix to its November 14, 1979 Protest of Columbia's Appalachian production, and protests it accordingly:

¹The term "third party protest" refers to a protest filed by a party who is not a party to the contract which is protested.

^{2 &}quot;Order Adopting Final Regulations and Establishing Protested Procedure," Docket No. RM79–22, issued June 21, 1979.

³Docket No. RM79-22, issued August 6, 1979.

^{*}Included in the Appendix.

[Docket No. CP81-72-000]

Columbia Gas Transmission Corp.; Application

December 12, 1980.

Take notice that on November 26, 1980, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP81-72-000 an application pursuant to Section 7(c) of the Natural Gas Act and § 157.7(c) of the Regulations thereunder (18 CFR 157.7(c)) for a certificate of public convenience and necessity authorizing the construction, during a 12-month period commencing March 1, 1981, and operation of facilities to make miscellaneous rearrangements on its system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in making miscellaneous rearrangements which would not result in any material change in the transportation and sales service presently rendered by Applicant.

Applicant requests waiver of the cost limitation of \$300,000 prescribed by \$ 157.7(c). It proposes to increase the cost limitation to \$750,000. Such a waiver is necessary, states Applicant, due to continuing increases in the cost of construction incident to the installation of equipment. Such costs, it is asserted, would be financed from internal sources.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 2, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal **Energy Regulatory Commission by** Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, It will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-39129 Filed 12-16-80; 8:45 am] BILLING CODE 6450-85-M

[Project No. 3575-000]

Continental Hydro Corp.; Application for Preliminary Permit

December 11, 1980.

Take notice that Continental Hydro Corporation (Applicant) filed on October 16, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3575-000 to be known as the Willow Creek Dam Project located at the Water and Power Resources Service, U.S. Department of the Interior, Willow Creek Dam on Willow Creek in Lewis and Clark County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Gail Staker, 141 Milk Street, Suite 1143, Boston, Massachusetts 02109. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a proposed penstock approximately 500-feet long; (2) a proposed powerhouse having an installed generating capacity of 18 to 20 MW; and (3) appurtenant facilities. The project will be located at the Water and

Power Resources Service, U.S.
Department of the Interior, Willow
Creek Dam. The Applicant proposes to
locate the powerhouse south of the dam.

The Applicant estimates that the average annual energy output would be 36 to 40 GWh.

Purpose of Project—Continental Hydro Corporation proposes to develop the hydroelectric potential of the project and sell the power output to Montana

Power Company. Proposed Scope and Cost of Studies Under Permit-The Applicant seeks issuance of a preliminary permit for a period of 36 months. During this time the significant legal, institutional, engineering, environmental, marketing. economic and financial aspects of the project will be defined, investigated and assessed to support an investment decision. The report of the proposed study will address whether or not a commitment to implementation is warranted, and, if the findings are positive, describe the steps required for implementation. The report will be prepared so that the information presented will be useful in preparing an application for license for the project. The Applicant's estimated total cost for performing a feasibility study is \$27,250.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments-Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the

competing application no later than April 14, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene-Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments, filed, but a person who merely files a protest on comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before February 13, 1981.

Filing and Service of Responsive Documents-Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION" "COMPETING APPLICATION". "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3575-000. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-39130 Filed 12-18-80: 8:45 am]

BILLING CODE 6450-85-M

[Volume 334]
Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued December 11, 1980.

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The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceeding the control number indicates that other purchases are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before January 2, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-39141 Filed 12-16-80; 8:45 am] BILLING CODE 6450-85-M

[Docket No. RP79-12 (Extension)]

El Paso Natural Gas Co.; First Interim Refund Report

December 11, 1980.

Take notice that on Dec. 5, 1980, El Paso Natural Gas Company ("El Paso") tendered for filing its First Interim Refund Report under Section E of Article V of El Paso's Stipulation and Agreement as Restated and Amended dated and filed January 16, 1980 ("Extension Agreement"), as approved by Commission order issued May 30, 1980, at Docket No. RP79-12 (Extension).

El Paso states that Section E of Article V of said Extension Agreement provides for El Paso to project its jurisdictional cost of service and its jurisdictional revenues for the twelve-month period ending May 31, 1981, at least twice during such twelve-month period. In the event that the projected jurisdictional revenues exceed the projected jurisdictional cost of service, El Paso shall make an interim cash refund not later than sixty (60) days after the last month in which actual data is utilized. In order for the cash refund to be made, however, the interim cash refund must

exceed \$5 million. El Paso states that inasmuch as its first interim projection of costs and revenues for said twelvemonth period results in a projected jurisdictional revenue deficiency of \$4,363,619, El Paso is not required to distribute an interim cash refund at this time to its jurisdictional customers pursuant to the refund provisions contained in Section E of Article V of the Extension Agreement at Docket No. RP79–12 (Extension).

Any person desiring to be heard or to make any protest with reference to said filing should, on or before Dec. 17, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and Regulations Under the Natural Gas Act (18 CFR 157.10). Protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-39131 Filed 12-16-80; 8:45 am] BILLING CODE 6450-85-M

[Docket No. ER81-153-000]

Florida Power & Light Co.; Filing

December 11, 1980.

The filing company submits the following:

Take notice that Florida Power & Light Company (FPL) on December 3, 1980 tendered for filing two documents entitled "Exhibit I to Service Agreement for Interchange Transmission Service Implementing Specific Transactions Under Service Schedules A (Emergency Service), B (Short Term Firm Service), C (Economy Interchange Service) and D (Firm Service) of Contracts for Interchange Service."

FPL states that under the Exhibits, FPL will transmit power and energy for the Fort Pierce Utilities Authority (Fort Pierce) as is required by Fort Pierce in the implementation of its interchange agreements with the City of Kissimmee and the Sebring Utilities Commission.

FPL requests that waiver \$ 35.3 of the Commission's Regulations be granted and that the proposed Exhibits be made effective immediately. FPL states that copies of the filing were served on the

Director of the Fort Pierce Utilities Authority.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 30, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-39132 Filed 12-16-80; 8:45 am] BILLING CODE 6450-85-M

[Docket No. ER81-154-000]

Florida Power & Light Co.; Filing

December 11, 1980.

The filing company submits the

following:

Take notice that Florida Power & Light Company (FPL) on December 3, 1980 tendered for filing a document entitled "Exhibit I to Service Agreement For Interchange Transmission Service Implementing Specific Transactions Under Service Schedules A (Emergency Service), B (Short Term Firm Service), C (Economy Interchange Service) and D (Firm Service) of Contracts for Interchange Service."

FPL states that under the Exhibit, FPL will transmit power and energy for the Utilities Commission, City of New Smyrna Beach (New Smyrna) as is required by New Smyrna in the implementation of its interchange agreement with the City of Kissimmee.

FPL requests that waiver of § 35.3 of the Commission's Regulations be granted and that the proposed Exhibit be made effective immediately. FPL states that copies of the filing were served on the Director of the Utilities of New Smyrna.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December

30, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–39133 Filed 12–16–80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-155-000]

Florida Power & Light Co.; Filing

December 11, 1980.

The filing company submits the following:

Take notice that Florida Power & Light Company (FPL) on December 3, 1980 tendered for filing a document entitled "Service Agreement for Interchange Transmission Service Implementing Specific Transactions Under Service Schedules A (Emergency Service), B (Short Term Firm Service), C (Economy Interchange Service) and D (Firm Service) of Contracts for Interchange. Service," and Exhibits I.

FPL states that under the Service Agreement and Exhibits, FPL will transmit power and energy for the City of Kissimmee (Kissimmee) as is required by Kissimmee in the implementation of its interchange agreements with the Utilities Commission, City of New Smyrna Beach, the City of Vero Beach, the Jacksonville Electric Authority, the Fort Pierce Utilities Authority and the City of Homestead.

FPL requests that waiver of Section 35.3 of the Commission's Regulations be granted and that the proposed Service Agreement and Exhibits be made effective immediately. FPL states that copies of the filing were served on the Mayor of Kissimmee.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 30, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-39134 Filed 12-16-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3515]

Fluid Energy Systems, Inc.; Application for Preliminary Permit

December 12, 1980.

Take notice that Fluid Energy Systems, Inc. (Applicant) filed on September 29, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3515 to be known as Rio Bravo Project located on the Kern River in Kern County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: K. Thomas Miller, President, Fluid Energy Systems, Inc., 2210 Wilshire Boulevard No. 699, Santa Monica, California 90403. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 16-foot high, earth and concrete diversion dam; (2) an intake structure; (3) a 7,500-foot long, 9-foot diameter pipeline; (4) a surge tank; (5) two 1,200-foot long, 4-foot diameter penstocks; (6) a powerhouse containing two generating units, each rated at 3,100 kW; and (7) a 3,800-foot long transmission line. No U.S. lands would be affected by the proposed

project.

The Applicant estimates that the average annual energy output would be 27.1 million kWh.

Purpose of Project—The energy output from the project would be sold to either the Pacific Gas and Electric Company, the Southern California Edison Company, or the California Department of Water Resources.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering and geotechnical studies, make a historical review, conduct environmental studies, do preliminary designs and a feasibility analysis, consult with agencies, and prepare a FERC license application. Applicant has filed a work plan for the studies for the new dam construction. The field studies to be conducted

include soil borings, geophysical surveys, and visual inspections. No new roads would be required to conduct the studies.

The cost of the work to be performed under the preliminary permit is estimated to be \$78,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments-Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 19, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than April 20, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a

person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before February 19, 1981.

Filing and Service of Responsive Documents-Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION" "COMPETING APPLICATION" "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3515. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-39135 Filed 12-16-80; 8:45 am] BILLING CODE 6450-85-M

[Docket No. ES80-81]

Gulf States Utilities Co.; Renotice of Application

December 12, 1980.

Take notice that on December 5, 1980, Gulf States Utilities Company (Applicant) filed an amendment to its application seeking authorization to increase the aggregate amount of short-term debt outstanding from \$200 million to \$300 million with all other conditions remaining the same. Presently, the Applicant is authorized to issue up to \$200 million of unsecured Notes and Commerical Paper with a final maturity date of not later than December 31, 1982.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 24, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-39136 Filed 12-16-80; 8:45 am] BILLING CODE 6450-85-M

[Docket No. ER81-151-000]

Iowa Southern Utilities Co.; Proposed Tariff Change

December 11, 1980.

The filing company submits the following:

Take notice that Iowa Southern
Utilities Company on December 2, 1980
tendered for filing proposed changes in
its FERC Electric Service Tariff Volume
No. 1, Sheets No. 2, 4, and 11. The
proposed changes would increase
revenues from jurisdictional sales and
services by \$484,451 based on the 12month period ending March 30, 1982.

The primary reasons for the proposed increase are the increased investment for the new Ottumwa Generating Station and the higher operating costs associated with continued inflation. The generating capacity is needed to replace contracted purchased power and to serve continued load growth for new households, business and industry. Continued inflation results in higher cost of materials, labor and transportation equipment as well as higher interest on borrowed money.

Copies of the filing were served upon Albia Light and Railway Company and to the Cities of Seymour, Afton, Eldon, Orient, Danville and New London. A copy of the filing has also been mailed to the Iowa State Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal **Energy Regulatory Commission, 825** North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 30, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Dor. 80-39137 Filed 12-16-80; 8:45 am] BILLING CODE 6450-85-M

[Docket No. ES81-15-000]

Kansas Gas and Electric Co.; Application

December 12, 1980.

Take notice that on December 1, 1980, the Kansas Gas and Electric Company (Applicant) filed an application with the Commission pursuant to Section 204 of the Federal Power Act seeking authority to issue, from time to time through June 30, 1983, notes up to \$100,000,000 of notes and commercial paper, with a final maturity date of not later than June 30, 1983.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 31, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 60–39138 Filed 12–16–80; 8:45 am] BILLING CODE 6450–85-M

[Docket No. TA81-1-14-000 (PGA 81-1(a))]

Lawrenceburg Gas Transmission Corp.; Proposed Change in FERC Gas Tariff

December 11, 1980.

Take notice that on December 1, 1980 Lawrenceburg Gas Transmission Corporation (Lawrenceburg) tendered for filing two (2) substitute revised gas tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1, both of which are dated as issued on November 26, 1980, proposed to become effective November 1, 1980, and identified as follows:

Substitute Twenty-second Revised Sheet No. 4

Substitute Twenty-first Revised Sheet No. 18

Lawrenceburg states that its substitute gas tariff sheets were filed under its purchased gas adjustment provision and in compliance with the Commission's October 31, 1980 order in the above-referenced docket.

Lawrenceburg states that this filing modifies its previously approved November 1, 1980 purchased gas cost adjustment because of a change in the underlying rates of its supplier, Texas Gas Transmission Corporation at Docket No. RP80-101.

Copies of this filing were served upon Lawrenceburg's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 17, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb.

Secretary.

[FR Doc. 80-39139 Filed 12-49-60; 8:45 am] BILLING CODE 6450-85-M

[Docket No. RP80-11]

Natural Gas Pipeline Company of America; Petition for Clarification

December 11, 1980.

Take notice that on November 5, 1980, Natural Gas Pipeline Company of America (Natural) filed a petition for Clarification of the Order issued September 30, 1980, in Docket No. RP80– 11.

Additionally, Natural requests that the Commission confirm that all of Natural's tariff sheets implementing the incremental pricing provisions as required by Commission Order Nos. 49 and 49A have been accepted without condition.

Natural states that copies of the filing have been mailed to all of its affected customers and interested state regulatory commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene, file comments, or protests with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 (18 CFR 1.8, 1.10). All such petitions, protests or comments should be filed on or before December 23, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene: provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-39140 Filed 12-16-80; 8:45 am] BILLING CODE 6450-85-M

[Docket No. RP79-68-003]

North Penn Gas Co.; Proposed Changes in FERC Gas Tariff

December 11, 1980.

Take notice that North Penn Gas Company (North Penn) on November 26, 1980, tendered for filing the following tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1:

Sheet and effective date

Revised Substitute Sixty-First Revised Sheet No. PGA-1—November 1, 1979 Substitute Sixty-Third Revised Sheet No. PGA-1—January 21, 1980 Revised Substitute Sixty-Fourth Revised Sheet No. PGA-1—March 1, 1980 Substitute Sixty-Fifth Revised Sheet No. PGA-1—September 1, 1980

Revised Substitute Sixty-First Revised Sheet No. PGA-1 is being filed pursuant to Article VII of the Stipulation and Agreement filed on August 12, 1980 and the Federal Energy Regulatory Commission (Commission) letter order dated October 21, 1980 at Docket No. RP79-68, and reflects a base tariff rate of \$2.50862 as provided for in Appendix C of the Stipulation and Agreement filed on August 12, 1980 and results in a decrease of 9.745¢ per Mcf from the base tariff rate filed for effectiveness November 1, 1979.

Substitute Sixty-Third, Revised Substitute Sixty-Fourth and Substitute Sixty-Fifth Revised Sheets No. PGA-1 which represent all of the intervening approved tariff sheets are also being filed to reflect the base tariff rate of \$2.50862 as stated above.

Pursuant to Article VIII of the Stipulation and Agreement filed on August 12, 1980 and the Commission's letter order dated October 21, 1980 at Docket No. RP79-68, North Penn states that it will make refunds to its jurisdictional customers for the period November 1, 1979 through October 31, 1980 with interest from the date of payment to the date of refund in accordance with the Commission's regulations relating thereto.

North Penn believes no waiver of the Commission's Rules and Regulations are required in order to permit the tariff sheets to become effective as proposed. However, North Penn respectfully requests that the Commission grant such waivers as it may deem necessary for the acceptance of this filing.

Copies of this filing were served on each person designated on the official service list in this proceeding, each of North Penn's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington. D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure [18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before Dec. 16, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-39142 Filed 12-16-80; 8:45 am] BILLING CODE 6450-85-M

[Docket No. TC81-15-000]

Panhandle Eastern Pipe Line Co.; Order Accepting Tariff Sheets and Setting Further Procedures

Issued November 26, 1980.

On October 30, 1980, Panhandle
Eastern Pipe Line Company (Panhandle)
tendered for filing tariff sheets to be
effective December 1, 1980¹ that would
update the index of entitlements in
Panhandle's curtailment plan to reflect
changes in essential agricultural
requirements on Panhandle's system.
The update is required annually by the
provisions of Order Nos. 29, 29–A, 29–B
and 29–C, as specifically set out in
section 281.204(b) of the Commission's

In its letter to the Commission dated September 23, 1980, Panhandle elected, as permitted by section 281,204(b)(4), to file its revised index of entitlements on November 1 instead of October 1.

regulations, so that the index of entitlements reflects the "current requirements" of essential agricultural users as that term is defined in section 281.208(b)(ii). Panhandle also filed the report of its data verification committee (DVC). The revisions reflect a net increase in essential agricultural requirements on Panhandle's system of 10,358,129 Mcf over last year's requirements.

Panhandle served copies of the revised tariff sheets and DVC report on all its affected customers and appropriate state agencies. Notice of the filing was published in the Federal Register on November 14, 1980 (45 FR 75296). Illinois Power Company filed a petition to intervene, and Central Illinois Light Company (CILCO) filed a petition to intervene and a "limited protest."

The DVC report indicates that the revisions to the index of entitlements were prepared in a manner consistent with the Commission's regulations, and in particular, that the essential agricultural use volumes in the areas historically served by Panhandle were attributed to Panhandle and other suppliers on the basis of allocation factors developed from original base period data in Panhandle's curtailment plan. During the process of reviewing proposed changes in the index of entitlements, the DVC also considered CILCO's protest of the methods by which essential agricultural requirements were attributed to various suppliers. The DVC recommended that the methods relating to such attribution should continue to be those adopted during the period when original base period data was established and used in the initial review of essential agricultural requirements in 1979.

As noted above, CILCO has filed here what it characterizes as a "limited protest", raising the same objection to the methods by which essential agricultural requirements were attributed as it raised before the DVC and as it raised last year in response to Panhandle's initial Order No. 29 filing.² CILCO expressly states that it does not seek either rejection or suspension of the tendered tariff sheets. Rather, CILCO requests that the Commission

² Ponhandle Eastern Pipe Line Company, Docket No. TC80-36: Order on Request for Declaratory Order, Accepting for Filing and Permitting Tariff Sheets to Become Effective and Granting Interventions, issued November 30, 1979; Order Granting Rehearing for Further Consideration, January 16, 1980; Letter Order, January 21, 1980; Order Denying Rehearing, May 7, 1980. On June 20, 1980, CILCO filed a petition for review of the Commission's orders in the United States Court of Appeals for the District of Columbia Circuit, Central Illinois Light Co. v. FERC, No. 80.1717.

direct Panhandle's DVC to undertake a more detailed collection and analysis of

all data reasonably necessary to ascertain the attribution methodologies and results of all customers of Panhandle with multiple supply sources, including facts applicable to all supplies currently available to Panhandle's customers and the configurations of their distribution systems with regard to the matter of supply sources available for service in each system. (CILCO's brief on review, incorporated by reference in its protest, p. 36).

CILCO further requests that the DVC report be filed with the Commission, that Panhandle's customers be given the opportunity to comment on the report, and that the Commission then resolve any attribution problems that may be shown to exist. As requested by CILCO, we will accept the tariff sheets tendered by Panhandle for filing without suspension, to be effective December 1, 1980, subject to the procedures described below.

At the outset we observe that curtailment of deliveries to any of Panhandle's customers is not likely to be a problem during the upcoming winter season. Following mild curtailment during the 1979-80 winter, Panhandle lifted curtailment in March 1980. In its most recent Form 16, Panhandle projects no curtailment on its system for the period September 1980 through August 1981.

The heart of CILCO's protest appears to be that it does not have sufficient information to know how Panhandle's partial requirements customers have attributed their essential agricultural requirements among Panhandle and their other sources of supply. CILCO acknowledges that our regulations require that attribution of such requirements be done in the same manner as a customer attributed its supplies to its direct suppliers for purposes of establishing entitlements in the currently effective curtailment plans of such direct suppliers. CILCO states, however, that because pipelines may have different base periods, the agricultural requirements of a particular customer may be over- or underattributed. CILCO also states that certain of Panhandle's customers were attributing requirements to Panhandle on the basis of areas historically served by Panhandle. In such circumstances, some Panhandle customers appear to have submitted to the DVC only data relating to a particular service area, and not the customer's total essential agricultural requirements.3

The historic service area concept may be the "same manner" that such customers attributed supplies to Panhandle in its underlying curtailment plan, and thus may be the appropriate method for attributing essential agricultural requirements. However, we do not believe that we have sufficient information before us to make that judgement. Panhandle's DVC may well have considered such information, but did not include it in the DVC report. Accordingly, we will request Panhandle's DVC to develop a more complete report with respect to attribution of essential agricultural requirements to Panhandle by its partial requirements customers. 4 The report should include data concerning such customers' total essential agricultural requirements, the requirements attributed to Panhandle, and the methodology, assumptions and calculations underlying such attribution (including a description of the historical service area concept, where appropriate). Because curtailments are unlikely during the upcoming winter, it is appropriate to give the DVC a reasonable amount of time, until March 31, 1981, to file its report with the Commission and serve it on Panhandle's customers. Thereafter, Panhandle's customers will have 30 days to comment on the report. Panhandle should also submit any revisions to its index of entitlements as they appear necessary. Following receipt of the comments and any filing by Panhandle, the Commission will take such further action as is then appropriate.

We chose not to suspend the tariff sheets and set the matter for hearing. In the first place, CILCO has not requested that action. More importantly, we view the data verification committee as having a valuable role in the administration of a pipeline's curtailment plan. The DVC provides a forum for the pipeline and its customers, in the first instance, to resolve problems

Mcf. and no increase from Natural Gas Pipeline Company, another of illinois Power's suppliers. Those statements, standing alone, do not suggest any improper attribution. They do suggest, however that it is appropriate to require at least a further explanation of the methods and assumptions underlying the attribution of requirements on Panhandle's system.

*When this issue was presented on rehearing a year ago, we ordered Panhandle to provide us with an explanation of the methodology it used for attributing essential agricultural requirements and gave CILCO an opportunity to comment on Panhandle's response. The continuing concern over this subject causes us to investigate in more detail the facts and circumstances with respect to attribution of essential agricultural requirements on Panhandle's system. In this light we will direct the Solicitor to request that the pending review proceeding be held in abeyance pending the outcome of the procedures established in this order.

³ In one such circumstance, CILCO points out that this year Illinois Power Company sought a net increase from Panhandle of approximately 5 million

concerning the accuracy, consistency and fairness of the data collected. We expect Panhandle and its customers to continue their cooperative activities, both in requesting and supplying data, as the DVC prepares its report.

The Commission finds:

(1) It is necessary and proper in carrying out the provisions of Section 401 of the NGPA and the Commission's implementing regulation thereunder that Panhandle's proposed revised tariff sheets (FERC Gas Tariff Original Volume No. 1–A, Second Revised Sheet Nos. 2 through 38) be accepted for filing and made effective as of December 1, 1980.

(2) The participation by Illinois Power Company and CILCO in this proceeding may be in the public interest.

The Commission orders:

(A) Panhandle's proposed tariff sheets filed in this proceeding are accepted for filing and shall be permitted to become effective without suspension on December 1, 1980, subject to the procedures set forth in ordering

paragraph (B).

- (B) Panhandle shall reconvene its data verification committee, and the DVC shall file with the Commission and serve on Panhandle's customers not later than March 31, 1981, a report with respect to the attribution of essential agricultural requirements to Panhandle by Panhandle's partial requirements customers, as more fully discussed in this order. Panhandle's customers shall file any comments on the report within 30 days thereafter. Any changes that the Commission may direct in the index or entitlements as a result of this proceeding shall have prospective effect only.
- (C) The information contained in the report required by ordering paragraph (B) shall include: ^a
- (1) The complete attribution calculation of each of Panhandle's customers, starting with total essential agricultural requirements, wherever located, and showing each step of the calculation whereby total requirements result in attribution of all or any portion of such requirements to the Panhandle system supply and to all other supply sources.

(2) The factual basis and conceptual rationale relied on by the customer in support of its attribution methodology and of each step of that process.

(3) In each instance in which the customer has relied on the concept of Panhandle (or other supplier) historical service area in the attribution process, any changes in distribution system configuration since the period of the establishment of the curtailment data base in Docket No. RP71-119 that might affect the application of that concept. (This data would include the fact of any distribution system integration, either directly or by displacement, that enables the customer to provide service at a particular location in reliance on a supply source that could not be used, or could be used on a limited basis, for service at that location at the time of the establishment of the RP71-119 data base.)

(4) A listing by each of Panhandle's customers of any essential agricultural use requirements added since the base period in Docket No. RP71-119, either by attachment of a new consumer or by expansion of service to an existing consumer.

(5) Such other and additional data as may be appropriate to assess the propriety and reasonableness of each customer's attribution methodology and result.

(D) Illinois Power Company and CILCO are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; Provided, however, That their participation shall be limited to matters affecting asserted rights and interests as set forth in their petitions to intervene; and, Provided further, That the admission of these intervenors shall not be construed as recognition by the Commission that they may be aggrieved because of any order entered in this proceeding.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-39143 Filed 12-16-80, 845 am]

BILLING CODE 6450-85-M

[Docket No. TA81-1-8-000 (PGA No. 81-1)]

South Georgia Natural Gas Co.; Revision to Tariff

December 11, 1980.

Take notice that on December 1, 1980, South Georgia Natural Gas Company (South Georgia) tendered for filing Twelfth Revised Sheet No. 4 to its FPC Gas Tariff, First Revised Volume No. 1. This tariff sheet and supporting information is being filed 30 days before the effective date of January 1, 1981, pursuant to the Purchased Gas

Adjustment Provisions set out in Section 14 of South Georgia's Tariff.

South Georgia states that its Twelfth Revised Sheet No. 4 reflects increases in the rates of its pipeline supplier, South Natural Gas Company as filed to be effective Januyary 1, 1981. This rate change will increase the cost of purchased gas to South Georgia's jurisdictional customers \$14,000,539. Also reflected in Twelfth Revised Sheet No. 4 is a Surcharge Adjustment as provided for by Section 14.3 of the General Terms and Conditions of South Georgia's FPC Gas Tariff. The debit balance in the Unrecovered Purchased Gas Cost Account of \$627,232 will be recouped over the estimated sales for the six-month period commencing January 1, 1981 by a surcharge adjustment rate of 6.53¢ per MMBtu.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal **Energy Regulatory Commission, 825** North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure [18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 17, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-39144 Filed 12-18-80; 8:45 am] BILLING CODE 6450-85-M

Southwestern Power Administration

Order Confirming, Approving, and Placing Increased Transmission Rates in Effect on an Interim Basis

AGENCY: Department of Energy, Southwestern Power Administration. ACTION: Notice of Transmission Rate Order

SUMMARY: The Assistant Secretary for Resource Applications under Delegation Order No. 0204–33, 43 FR 60636 (December 28, 1978), has developed, acting by and through the Administrator, Southwestern Power Administration, increased transmission rates for the Southwestern Power Administration and has confirmed and approved these rates and placed them in effect on an interim basis. She has also submitted them to the Federal Energy Regulatory

³ This listing is derived from pages 2 and 3 of Cil.CO's petition to intervene, Cil.CO's requests for supply source assumptions underlying new consumer additions, facts applicable to additional supplies that were available but not purchased, and a statement by each customer showing purchases from each supply source during each month of each year since the Docket No. RP71–119 base period would appear to go beyond what is needed to resolve the problem.

Commission (FERC) for confirmation and approval on a final basis.

EFFECTIVE DATES: The effective date for the transmission rates, on an interim basis, is January 1, 1981.

FOR FURTHER INFORMATION CONTACT: Walter M. Bowers, Chief, Division of Power Marketing, Southwestern Power Administration, Department of Energy, P.O. Drawer 1619, Tulsa, Oklahoma 74101, (918) 581-7529. John J. DiNucci, Office of Power Marketing Coordination, Resource

Applications, Department of Energy, 12th Street and Pennsylvania Avenue, N.W., Washington, D.C. 24061, [202]

SUPPLEMENTARY INFORMATION: Rate Schedule TDC-2 for transmission and/ or displacement of non-Federal power and energy over the system of Southwestern Power Administration supersedes Schedule TDC (Revised). The present Schedule TDC (Revised) was extended on an interim basis on June 18, 1979, the Assistant Secretary for Resource Applications through Rate Order No. SWPA-3, effective July 1, 1979, for a period extending June 30, 1980. On July 1, 1980, the Assistant Secretary for Resource Applications, through Rate Order No. SWPA-6, on an interim basis, extended this confirmation and approval of Schedule TDC (Revised) for a six-month period ending December 31, 1980.

Issued in Washington, D.C., this 11th day of December 1980.

Ruth M. Davis,

Assistant Secretary, Resource Applications.

Assistant Secretary for Resource Applications

Dated: December 11, 1980. In the Matter of: Southwestern Power

Administration-Rate Schedule TDC-2; Rate Order No. SWPA-7; Order Confirming, Approving and Placing Increased Transmission Rates in Effect on an Interim

Pursuant to Sections 302(a) and 301(b) of the Department of Energy Organization Act, Public Law 95-91, the functions of the Secretary of the Interior and the Federal Power Commission under Section 5 of the Flood Control Act of 1944, 16 U.S.C. 825s, for the Southwestern Power Administration (Southwestern) were transferred to and vested in the Secretary of Energy. By Delegation Order No. 0204-33, effective January 1, 1979, 43 RE 60636 (December 28, 1978) the Secretary of Energy delegated to the Assistant Secretary for Resource Applications the authority to develop power and transmission rates, acting by and through the Administrator, to confirm, approve, and place in effect such rates on an interim basis, and delegated to the Federal Energy Regulatory Commission (FERC) the authority to confirm and approve on a final basis or to disapprove rates developed by the Assistant

Secretary under the delegation. This rate order is issued pursuant to the delegation to the Assistant Secretary.

Background

Existing Rates

On January 23, 1973, the Assistant Secretary for Power and Water Resources, U.S. Department of the Interior approved Southwestern's schedule of transmission and/or displacement charges (Schedule TDC) for transmission of non-Federal power and energy over the Southwestern transmission system for a period ending January 23, 1976. No regulatory authority approval was required by statute.

On June 29, 1973, by the approval of the Assistant Secretary, Energy and Minerals, U.S. Department of the Interior, Schedule TDC was amended to provide that surplus capacity in Southwestern transmission facilities could be made available to other than Southwestern customers. No regulatory authority approval was required and the Assistant Secretary's approval was extended until June 30, 1976. Schedule TDC (Amended) was revised and later approved by the Assistant Secretary, Energy and Minerals, U.S. Department of the Interior, on August 2, 1976, for a period ending June 30, 1979. Schedule TDC (Revised) maintained the same pricing as the original Schedule TDC with provision to correct certain inequities in the adjustment for power factor.

On June 18, 1979, the Assistant Secretary for Resource Applications, U.S. Department of Energy approved the extension of the existing Schedule TDC (Revised), on an interim basis, effective July 1, 1979, for a period ending June 30, 1980, and submitted the extension to the FERC for final

confirmation and approval.

On July 1, 1980, the Assistant Secretary for Resource Applications, U.S. Department of Energy extended the confirmation and approval of Schedule TDC (Revised), on an interim basis, through December 31, 1980. This extension was necessary to allow Southwestern time to complete a detailed study of the rates and to provide the public the opportunity to comment on any proposed revision.

The rates that are the subject of this order supersede the following existing rates:

1. Transmission and delivery of power and energy over the 138/161 kV transmission facilities, \$0.25/kW/mo.

2. Transmission of power and energy over the 138/161kV transmission lines and delivered at stepdown substations, directly connected thereto or from lines at 69 kV. \$0.35/kW/mo.

3. Transmission of power and energy over the 138/161 kV transmission lines, with further transmission over 69 kV lines and delivered at stepdown substations connected thereto at distribution voltage, \$0.60/kW/mo.

4. Transmission and delivery of supplemental energy used for the purpose of firming peaking power delivered from the Southwestern system, \$0.0005/kWh.

Public Notice and Comment

Opportunity for public review and comment on proposed transmission rates was announced by notice published in the Federal Register on October 1, 1980 (45 FR 65027).

The public participation process produced few questions and comments. All of the comments have in some form been incorporated in developing the TDC-2 rates which are confirmed, approved and placed in effect by this Rate Order. Responses to the three comments are contained in the following discussion.

Discussion

Thirteen customers are presently being billed for transmission service under Schedule TDC (Revised): Ark-Mo Power Company; Public Service Company of Oklahoma; Associated Electric Cooperative; Western farmers Electric Cooperative; Carthage, Missouri; Kennett, Missouri; New Madrid, Missouri; Jonesboro, Arkansas; Paragould, Arkansas; Piggott, Arkansas; Poplar Bluff, Missouri; Sikeston, Missouri; and Grand River Dam Authority. Revenue under this rate schedule is estimated to be about 1% of the total expected integrated system gross revenue.

The public comments and responses to them are as follows:

Transmission Losses

A suggestion was made that Rate Schedule TDC-2 should contain a paragraph concerning the transmission losses. In response to this comment, it should be noted that due to variations in service conditions the specific amounts of losses have to be negotiated and agreed upon in each contract. It was decided, however, that inclusion of a general statement concerning losses in the Rate Schedule has merit. Accordingly, Rate Schedule TDC-2 language was revised to indicate that transmission losses will be provided by the customer as specified by contract.

Interruptible Transmission

This comment has to do with the provision of wheeling service on a short-term basis. While the idea is sound the implementation of it caused Southwestern's staff some concern. It was finally decided to include such a service whenever it was requested and was found to be available to help customers in emergencies and for economy energy interchange. This service has been provided in the Rate Schedule.

Dual Voltage Ties

The last comment was in regard to customers that have dual voltage electric ties with the Southwestern transmission system. It was suggested that these customers be billed at the higher voltage demand rate (lower price). Southwestern's response to this proposal is that transmission rates are charged based on the actual delivery voltages and the mere presence of a high voltage line does not establish a delivery voltage rate by itself. The Rate Schedule language has been revised to indicate that the delivery voltage will be specified by contract.

An order confirming and approving Rate Schedule TDC-2 on an interim basis is necessary for Southwestern to receive revenues from billings for transmission service performed after January 1, 1981.

Environmental Impact

Southwestern has reviewed the possible environmental impact of the rate adjustment under consideration and has concluded that because the rate increases do not exceed the rate of inflation in the period since the last rate increase, no environmental impact statement or environmental assessment is required under DOE guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA).

Price Stability

Southwestern is a "government enterprise" within the meaning of the price standards of the President's Council on Wage and Price Stability. The rate increases approved herein comply with the operating margin limitation of these standards because the revenues will be only those necessary to cover Southwestern's costs and expenses.

Availability of Information

Information regarding this rate adjustment including studies, comments, and other supporting material are available for public review in the offices of the Southwestern Power Administration, 333 W. 4th, Tulsa, Oklahoma 74101 and in the Office of the Director of Power Marketing Coordination, 12th and Pennsylvania Avenue NW., Washington, D.C., 20461.

Submission to the Federal Energy Regulatory Commission

The Rate Schedule TDC-2 herein confirmed, approved, and placed in effect on an interim basis, together with supporting documents, will be submitted promptly to the Federal Energy Regulatory Commission for confirmation and approval on a final basis.

Order

In view of the foregoing and pursuant to the authority delegated to me by the Secretary of Energy, I hereby confirm and approve on an interim basis, effective January 1, 1981, the attached Rate Schedule TDC-2 for the Southwestern Power Administration, which supersedes and replaces the schedule TDC (Revised). The Rate Schedule TDC-2 shall remain in effect on an interim basis for a period of 12 months unless such period is extended or until the FERC confirms and approves this or a substitute rate on a final basis.

Issued at Washington, D.C., this 11th day of December 1980.

Ruth M. Davis.

Assistant Secretary, Resource Applications.

Southwestern Power Administration

Rate Schedule TDC-2

Wholesale Rates for Transmission and/or Displacement of Non-Federal Power and Energy Over the System of Southwestern

Effective

As of January 1, 1981, and thereafter in accordance with Rate Order No. SWPA-7 of the Assistant Secretary for Resource Applications issued December 11, 1980.

Applicable

In the marketing area of the Southwestern Power Administration (Southwestern)

described generally as the States of Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas to wholesale power customers of Southwestern and other electric utilities whose transmission facilities interconnect with the transmission facilities of Southwestern. Non-federal power and energy will be, by contract, transmitted and/ or displaced over those portions of the transmission and related facilities owned and operated by Southwestern (System of Southwestern) in which the Administrator. Southwestern, in his sole judgment, determines that transmission and transformation capacities are and will be available in excess of that required to market power and energy pursuant to Section 5 of the Flood Control Act of 1944 (58 Stat. 890).

Character and Conditions of Service

Non-federal power and energy will be received into the System of Southwestern as scheduled by Southwestern, transmitted and/or displaced between two points on the System of Southwestern and delivered at the voltage level of the point or points of delivery as 3-phase alternating current, at approximately 60 hertz as specified by contract. Energy losses will be the responsibility of the customer and will be provided to Southwestern as specified by contract.

Transmission Demand

The Transmission Demand for each point of delivery for any month shall be the number of kilowatts equal to either—

(i) the maximum rate in kilowatts at which non-federal power and energy was delivered from the System of Southwestern at such point of delivery during any sixty-minute period during such month; or

(ii) the maximum Transmission Demand established at such point of delivery at any time during the preceding eleven months, whichever quantity is greater.

Interruptible Transmission

A. Availability—Interruptible
Transmission is transmission and
transformation capability that could be
utilized for economy energy interchange and
in emergencies on a short-term basis of less
than one month at such times and in such
amounts as requested and as Southwestern
determines to be available.

B. Interruptible Transmission Demand— The Interruptible Transmission Demand at each point of delivery for any day shall be the maximum rate of delivery in kilowatts during any sixty-minute period of such day.

Rates

Compensation due Southwestern for the transmission and/or displacement over the System of Southwestern of non-federal power and energy shall be computed at the following rates:

(i) \$0.25 per kilowatt per month of Transmission Demand for the transmission and/or displacement of non-federal power and associated energy to point or points of delivery from the System of Southwestern at 138 kV or 161 kV.

(ii) \$0.40 per kilowatt per month of Transmission Demand for the transmission and/or displacement of non-federal power and associated energy to point or points of delivery from the System of Southwestern at 69 kV.

(iii) \$0.55 per kilowatt per month of Transmission Demand for the transmission and/or displacement of non-federal power and associated energy to point or points of delivery from the System of Southwestern at voltages of less than 69 kV.

(iv) 5% of (i), (ii), or (iii) amounts above per kilowatt per day for the Interruptible Transmission Demand at a given delivery voltage as applicable.

(v) \$0.0008 per kilowatt-hour for the transmission and/or displacement of nonfederal energy without associated nonfederal power to point or points of delivery from the System of Southwestern.

When power and/or energy is delivered at two or more voltages, the delivery voltage(s) shall be as specified by contract.

Minimum Monthly Bill

The minimum bill for any month shall be equal to the rate times the sum of the Transmission Demands for each point or points of delivery for such month. There shall be no minimum monthly bill for interruptible transmission service.

Adjustment for Power Factor

An hourly power factor shall be maintained at each point of delivery of not less than 95% lagging. If during any hour in any particular month it is determined that at any point or points of delivery the hourly power factor at such point of delivery was less than 95% lagging, the Transmission Demand for such particular month for each such point or points of delivery shall be adjusted in accordance with the formula—

ATD equals TD x 0.95 divided by PF with the factors defined as follows:

ATD=The adjusted Transmission Demand for a particular point of delivery for any month during which the power factor was determined to be less than 95% lagging.

TD=The Transmission Demand for such month.
PF=The power factor determined for such

month. [FR Doc. 80–39206 Filed 12–16–80; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-1706-7]

Availability of Environmental Impact Statements

AGENCY: Office of Environmental Review (A-104), U.S. Environmental Protection Agency.

PURPOSE: This notice lists the environmental impact statements (EISs) which have been officially filed with the EPA and distributed to Federal agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's Regulations (40 CFR Part 1506.9).

PERIOD COVERED: This notice includes EIS's filed during the week of December 8, 1980 to December 12, 1980.

REVIEW PERIODS: The 45-day review period for draft EIS's listed in this notice is calculated from December 17, 1980 and will end on February 2, 1981. The 30-day review period for final EIS's as calculated from December 17, 1980 will end on January 15, 1981.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this notice you should contact the Federal agency which prepared the EIS. This notice will give a contact person for each Federal agency which has filed an EIS during the period covered by the notice. If a Federal agency does not have the EIS available upon request you may contact the Office of Environmental Review, EPA, for further information.

BACK COPIES OF EIS'S: Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following source:

Information Resources Press, 1700 North Moore Street, Arlington, Virginia 22209, (703) 558-8270.

SUMMARY OF NOTICE: This notice sets forth a list of EIS's with EPA during the week of December 8, 1980 to December 12, 1980. The Federal agency filing the EIS, the name, address, and telephone number of the Federal agency contact for copies of the EIS the filing status of the EIS, the actual date the EIS was filed with EPA, the title of the EIS, the State(s) and county(eis) of the proposed action and a brief summary of the proposed Federal action and the Federal agency EIS number, if available, is listed in this notice. Commenting entities on draft EIS's are listed for final EIS's. All additional information relating to EIS's such as time extensions or reductions of prescribed review periods, withdrawals, retractions, corrections or supplemental reports is also noticed under the appropriate agency.

FOR FURTHER INFORMATION CONTACT:

Kathi L. Wilson, Office of Environmental Review, Environmental Protection Agency, 401 M Street, SW., Washington, DC20460, (202)245–3006.

Dated: December 15, 1980.

William N. Hedeman, Jr.,

Director, Office of Environmental Review (A-104).

U.S. ARMY CORPS OF ENGINEERS

Contact: Mr. Richard Makinen, Office of the Chief of Engineers, Attn: Daen-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, Washington, D.C. 20314, (202) 272Final

PATRIOT GENERATING STATION: Switzerland County, Kentucky, December 9: The proposed project is the construction and operation of a 1,950 MW coal-fired electrical generating facility by the Indianapolis Power and Light Company located on the Ohio River, mile 516, Switzerland County, Indiana. The project will involve approximately 884 acres of Mexico bottom. In addition to three generating stations, other structural measures such as cooling towers, unloading facilities, and river intake and discharge structures will be required. The Indianapolis and a 345kV line to Kentucky Utilities' Ghent Station (Louisville District). Comments made by: EPA, DOI, DOT, USDA, FERC, DOC, HEW, HUD, ORBC, State and local agencies, groups and individuals. (EIS Order No. 800939.)

EXTENSION: The review period for the above EIS has been extended to January 19, 1981 (800939).

Final Supplement

ROUGE RIVER BASIN, ELK CREEK LAKE (FS-1): Jackson County, Oregon, December 11: This statement supplements a final EIS, No. 720804, filed December 17, 1971, concerning flood control in the Rouge River Basin. This supplement proposes the construction and operation of Elk Creek Lake located in Jackson County, Oregon. Planned works include construction of a 238-foot high rack fill dam, approximately 1.7 miles upstream from its confluence with the Rouge River, which would impound 101,000 acre-feet of water at full pool. The alternatives consider: (1) Flood plain management, (2) watershed management, (3) a levee system, and (4) a single-purpose dam. This supplement replaces a draft supplement, No. 750888, filed June 20, 1975 (Portland district). Comments made by: USDA, DOI, DOC, DOT, EPA, FERC, AHP, State and local agencies, groups, individuals and businesses. (EIS Order No. 800946.)

DEPARTMENT OF INTERIOR

Gontact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256 Interior Bldg., Department of the Interior, Washington, D.C. 20240 (202) 343–3891.

Heritage Conservation and Recreation Service

Final.

CALIFORNIA WILD AND SCENIC RIVERS, DESIGNATION: Several Counties, California, December 12: Proposed is the designation of five rivers in several counties of California, for designation in the wild and scenic rivers systems. The rivers to be designated include portions of the Klamath, Trinity, and Eel River systems, the Smith River and all its tributaries, and a segment of the lower American River. Four of the five rivers are located in Del Norte, Siskiyou, Humboldt, Trinity and Mendocino Counties. The fifth river is located in Sacramento County (FES 80-53). Comments made by: FERC, USDA, COE, DOC, DOI, DOT, EPA, WRC, State, local agencies and Indian Tribes, groups, individuals and businesses. (EIS Order No. 800953.)

Water and Power Resources Services

Draft Supplement

O'NEILL UNIT, LOWER NIOBRARA DIVISION DS-2: Several Counties, Nebraska, December 12: This statement is the second supplement to the final EIS filed with CEO in September 1972. The original FEIS proposed the construction of a dam and other water resources facilities known as the O'Neill Unit, Lower Niobrara Division, Pick-Sloan Missouri Basin Program in Nebraska. This second supplement evaluates the geologic risks and other environmental impacts associated with constructing a modified Norden Dam and analyzes an agricultural research alternative. Both of these evaluations are provided to satisfy the provisions of a Federal district court decision. Additionally, a section 404(B) report is presented (DES-80-77). (EIS Order No.

EXTENSION: The review period for the above EIS has been extended to February 10, 1981 (#800958).

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environment and Safety, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590 (202) 426–4357.

Federal Aviation Administration

Draft

TORRANCE MUNICIPAL AIRPORT, NAVIGATIONAL AIDS: Los Angeles County, California, December 11:

Proposed is the construction and installation of electronic and visual approach navigational aids at the Torrance Municipal Airport located in Los Angeles County, California. Alternatives considered include no project and use of mitigation measures. (EIS Order No. 800948.)

Final

BOEING 737 SERVICE TO JACKSON.

AMENDMENT: Teton County, Wyoming,
December 8: Proposed is an amendment of
operations specifications for the Frontier
Airlines Incorporated. The amendment would
authorize operations of Boeing 737 jet aircraft
in passenger-carrying service to the Jackson
Hole Airport located in the Grant Teton
National Park, Teton County, Wyoming.
Three of the current nine daily Convair 580
flights would be replaced with Boeing 737
aircraft. The alternatives consider: (1) No
action, (2) reduce number of per day flights,
and (3) a one-year trial period. Comments
made by: EPA, DOI, State and local agencies.
(EIS Order No. 800938.)

EXTENSION: Washington National Airport Safety Modification, published FR October 20, 1980—review extended from December 9, 1980 to January 15, 1981 (#800776).

Federal Highway Administration

Droft

BOSSIER RED RIVER PARKWAY, LA-511 to I-20: Bossier County, Louisiana, December 12: Proposed are highway improvements from Louisiana Highway 511 to Interstate Route 20 located in Bossier Parish, Louisiana. The proposed action would be between 4 and 6 miles in length depending on the alternative

that is selected. The alternatives consider: No build, upgrade existing facility, two separate alignments which would comprise construction of a parkway (no heavy trucks allowed) and an expressway facility FHWA-LA-EIS-80-01-D). (EIS Order No. 800950.)

U.S. 70 IMPROVEMENT, RUIDOSO-HONDO VALLEY SECTION: Lincoln County, New Mexico, December 8: Proposed is the improvement of the Ruidoso-Hondo Valley section of U.S. 70 from the Mescalero Apache Indian Reservation boundary to 2.5 miles east of Riverside in Lincoln County, New Mexico. The section consists of 42 miles. The alternatives considered include: (1) No. action, and (2) widening portions of the existing route from two to four lanes and from four to six lanes (FHWA-NM-EIS-80-02-D). (EIS Order No. 800937).

EXTENSION: The review period for the above EIS has been extended to February 6.

1981 (#800937).

SEATTLE FERRY TERMINAL EXPANSION AND TRAFFIC REVISIONS: King County, Washington, December 12: Proposed are improvements to the Seattle Ferry Terminal located in downtown Seattle, King County, Washington. The proposed improvements to the ferry terminal would expand the vehicle holding area to include the area now occupied by piers 50 and 51 and would also expand the number of toll booths and back-up areas, floor space for the Washington State Ferries Offices, public open space, leased space, and pedestrian passenger areas. Cooperating agencies include: COE, UMTA, HUD, and the city of Seattle (FHWA-WA-EIS-80-05-D). (EIS Order No. 800956.)

EXTENSION: The review period for the above EIS has been extended to February 6,

1981 (#800956).

PINE BLUFF ARKANSAS RAILROAD DEMONSTRATION PROJECT: Jefferson County, Arkansas, December 12: This action involves a railroad demonstration project undertaken in Pine Bluff, which is located in efferson County in southeast Arkansas, 45 miles southeast of Little Rock. The purpose is to eliminate existing railroad/community conflicts and to improve the transportation network of the area through rail system improvements. The proposed action would provide for relocation of the railroad main nes of the Missouri Pacific and the South Western Railways to the north and south of the city; or for consolidation of both main lines into a common right-of-way through the ity. Six relocation and three consolidation lternatives were developed (FHWA-AR-EIS/4[F]-78-01-F). Comments made by: DOI, CC, EPA, HUD, DOT, State and local gencies groups, individuals and businesses. EIS Order No. 800955.)

1-75 RECONSTRUCTION, NORTHSIDE DRIVE TO I-285: Fulton and Cobb Counties, leorgia, December 10: Proposed is the widening and reconstruction of 1-75 from four anes to eight lanes between Northside Drive and I-285 in Fulton and Cobb Counties, eorgia. Also included would be the rebuilding of the following five interchanges: 1) Northside Drive, (2) Howell Mill Road, (3)

Moores Mill Road, (4) West Paces Ferry Road, and (5) Mt. Paran Road. The entire highway section which extends 7.75 miles would continue to be a grade separated limited access highway facility (FHWA-GA-EIS-79-03-F). Comments made by: EPA. USDA, DOI, USA, FERC, State and local agencies. (EIS Order No. 800941.)

IMPROVED ACCESS, BREVARD TO 1-28: Transylvania, Henderson, and Buncombe Counties, North Carolina, December 11: Proposed is the construction of a new fourlane highway facility to improve access between Brevard and I-26 in Transylvania, Henderson, and Buncombe Counties, North Carolina. The highway is proposed to be as direct a connection as possible, beginning at the intersection of US-64, US-276, and NC-280, approximately 3 miles east of Brevard in Transylvania County and terminating after junctioning with I-26 in Henderson County. Four corridor alternatives are under consideration (FHWA-NG-EIS-78-08-F) Comments made by: DOC, EPA, FERC, HEW. DOI, COE, TVA, State and local agencies. (EIS Order No. 800943.)

National Highway Traffic Safety Admin.

MY 83-85 TRUCKS AVERAGE FUEL ECONOMY STANDARDS, Regulatory, December 11: Proposed are average fuel economy standards for model year (MY) 1983 through 1985 light trucks. "Light truck applies to pickup trucks, vans and four-wheel drive general utility vehicles, with a gross weight rating up to and including 8,500 lbs., a curb weight of 6,000 lbs. or less, and a frontal area of less than 45 sq. ft. The fuel economy levels proposed are:

Model year	M.p.g. two- wheel drive	M.p.g. four-wheel drive	
1983	18.0-20,0 18.0-21.4 19.7-22.4	15.6-16.0 16.1-19.3 16.2-19.9	

Comments made by: EPA, DOT. (EIS Order No. 800945.)

U.S. Coast Guard

Draft Supplement

RELOCATED/UPGRADED U.S. 90, MORGAN CITY TO LA-311 (DS-1) St. Mary County, La., Assumption, Terrebonne, December 11: This EIS supplements draft EIS No. 780570 filed with EPA on 5-26-78. The purpose of the supplement is to revise the proposed action. Proposed is the relocation and upgrading of that portion of U.S. 90 in South-Central Louisiana between Morgan City and LA-311, in St. Mary, Assumption and Terrebonne Parishes, Louisiana. The revised route is a four-lane divided highway about 25 miles long beginning on the west in St. Mary Parish at the junction of LA-70 and U.S. 90. Alternatives are evaluated in two categories consisting of eight subalternatives to the revised proposed action and the second category consisting of the original proposed action and its alternatives. [EIS Order No. 800944.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: RTP Library, Environmental Protection Agency, Research Triangle Park. North Carolina 27711, (919) 541-2777.

BEVERAGE CAN SURFACE COATING INDUSTRY, STANDARDS, Regulatory. December 10: Proposed are performance standards for the beverage can surface coating industry. The proposed standards would limit emissions of volatile organic compounds from new, modified and reconstructed beverage can surface coating liners. Three regulatory alternatives are considered: (1) no additional regulation, (2) limit emission to those that would result from the best available waterborne coatings, and (3) the same as (2) except that no-varnish inks or radiation-curable coatings are used in applying the lithography and/or overvarnish coats. (EPA-450/3-80-036A) (EIS Order No.

Final

GLASS MANUFACTURING PLANTS, PERFORMANCE STANDARDS, Regulatory. December 9: Proposed are performance standards for glass manufacturing plants for particulate emissions from glass melting furnaces. The proposed standards would restrict particulate emissions from natural gas-fired glass melting furnaces as follows: (1) 0.1 G/KG of glass used for container glass production, (2) 0.1 G/KG of glass used for soda-lime formulation, (3) 0.25 G-KG of glass used for glass production other than sodalime formulation, (4) 0.2 G/KG of glass used for wool fiberglass production and (5) 0.15 G/ KG of glass used for flat glass production. Comments made by: DOC, State and local agencies, groups and businesses. (EIS Order No. 800940.)

Contact: Mr. Eugene Wojcik, Region V. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312)

MADISON METROPOLITAN WWT AND DISCHARGE, Dane County, Wisconsin, December 12: The proposed action concerns the expansion of the existing sewage treatment facilities and construction of advanced waste treatment facilities at the Madison Metropolitan Sewerage District's Nine Springs Sewage Treatment Plant in Dane County, Wisconsin. This action will also require the issuance of an NPDES permit. The effluent will be transmitted via the existing pipeline and effluent ditch to Badfish Creek. Three alternatives were considered. (EPA-5WI-Dane-Madison WWTP-80.) Comments made by: HUD, COE, USDA, DOI, State and local agencies, individuals and businesses. (EIS Order No.

Contact: Ms. Lisa Corbin, Region X, Environmental Protection Agency, 1200 8th Avenue, Seattle, Washington 98101, (206) 442-1285.

Draft

WASTEWATER MANAGEMENT PLAN FOR THE LAKE WASHINGTON/GREEN RIVER BASINS, King County, Washington, December 12: Proposed is the awarding of grant funds for the design and construction improvements to the Metro Renton Treatment Plant Sewerage System located in King County, Washington. The study area encompasses approximately 620 square miles of the Lake Washington/Green River basins. Several structural alternatives have been considered. (EPA-10-WA-KING-WWTW-80.) (EIS Order No. 800959.)

EXTENSION: Milwaukee Pollution Abatement Program, published FR November 17, 1980-review extended from January 2, 1981, to January 12, 1981. (No. 800854.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7274, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, (202) 755-6300.

MISSION GLEN SUBDIVISION FORMERLY SCHUMANN, TRACT, Fort Bend County, Tex. December 11: Proposed is the issuance of mortgage insurance for the Mission Glen Subdivision located in Fort Bend County, Texas. This subdivision is located immediately west of Gaines Road and north of Boss Gaston Road and will contain approximately 2,485 residences, shopping and recreation facilities. Alternatives considered include: accept as submitted, reject and accept with modifications. (HUD-RO6-EIS-80-10D.) (EIS Order No. 800949.)

OOUIRRH SHADOWS SUBDIVISION, MORTGAGE INSURANCE, Salt Lake County, Utah, December 12: Proposed is the issuance of mortgage insurance for the Oquirrh Shadows Housing Development located in Salt Lake County, Utah, approximately 12 miles southwest of Salt Lake City, Utah. The development will contain approximately 2,782 single and multifamily units, a commercial area, church sites and a school site on 502 acres of land. (HUD-RO8-EIS-EIS-81-V-D.) (EIS Order No. 800957.)

Final

SUNRISE RIDGE DEVELOPMENT, MORTGAGE INSURANCE, El Paso County, Colorado, December 12: Proposed is the issuance of HUD Home Mortgage Insurance for the Sunrise Ridge Housing Development in Widefield, El Paso County, Colorado. The development would consist of 1,030 single and multi-family homes in 378 acres. Sites will be developed for commercial, school, park and open space uses. [HUD-RO8-EIS-80-XF.) Comments made by: DOI, DOD, USDA, HHS, AHP, EPA, DOT, State and local agencies, one business. (EIS Order No. 800954.)

EXTENSION: The review period for the above EIS has been extended to January 28, 1981. (No. 800954.)

Final

MIDVALE PARK DEVELOPMENT, MORTGAGE INSURANCE, Pima County, Arizona, December 12: Proposed is the issuance of various types of HUD Home Mortgage Insurance for the Midvale Park, a major housing, commercial and industrial development, to be located in Pima County, Arizona. The development would consist of 8.752 single-family, townhouse, condominium, apartment and mobile home units. Commercial facilities will include: (1) 116 acres of local and district shopping facilities, and (2) 74 acres for a regional shopping center. A site for a 127 acre industrial park is also planned. In addition, school and park sites would be reserved. Comments made by: COE, EPA, AHP, State and local agencies. (EIS Order No. 800952.)

TURTLE CREEK SUBDIVISION, MORTGAGE INSURANCE, Houston County, Ga., December 11: Proposed is the issuance of HUD Home Mortgage Insurance for the Turtle Creek Subdivision in Warner Robins Houston County, Georgia. The development would encompass 130 acres and contain approximately 364 dwelling units. (HUD-RO4-EIS-78-13.) Comments made by: USDA, COE, DOC, EPA, HEW, HHS, DOI, TVA, DOT, State and local agencies. (EIS Order No. 800947.)

[FR Doc. 80-39318 Filed 12-16-80; 8:45 am] BILLING CODE 6560-37-M

[A-6-FRL 1705-4]

Air Quality: Proposal To Grant a PSD Permit Extension to Knauf Fiber Glass Company

The U.S. Environmental Protection Agency (EPA) has received a request from Knauf Fiber Glass Company to extend its Prevention of Significant Deterioration of Air Quality (PSD) Permit, which expires on November 23, 1980. The permit authorizes the construction of a new fiber glass facility in Marshall, Texas. The Company has asked that this extension be granted for a period of 2 years from November 23, 1980, since current market conditions do not justify the economic costs of constructing the plant.

EPA proposes to grant an extension of the PSD permit expiration date for six months, until May 23, 1981. EPA is proposing to limit the extension to six months, because in EPA's opinion, an extension for any lengthier time period would unnecessarily reserve a portion of the PSD increment that could be available to other sources desiring to locate in the area. Because of the potential public interest in the permit extension request, EPA is accepting comments from any interested member of the public on the merits of the Company's request for an extension, the length of the extension, and the EPA proposal to approve it until May 23, 1981. The comment period will be until thirty days following the publication of this notice. EPA has allowed an interim extension of the Company's PSD permit until February 23, 1981, in order to preserve the status quo during the

comment period. Comments should be addressed to Randall E. Brown, Air and Hazardous Materials Division, U.S. **Environmental Protection Agency** Region VI, 1201 Elm Street, Dallas, Texas, 75270. Documents relevant to the Company's request are available during normal business hours at the Air and Hazardous Materials Division, U.S. **Environmental Protection Agency** Region VI, 1201 Elm Street, Dallas, Texas 75270.

For further information please contact Randall E. Brown, Air and Hazardous Materials Division, U.S. Environmental Protection Agency Region VI, 1201 Elm Street, Dallas, Texas 75270, (214) 767-1594.

Frances E. Phillips,

Acting Regional Administrator, U.S. Environmental Protection Agency, Region VI.

[FR Doc. 80-39105 Filed 12-16-80; 8:45 am] BILLING CODE 6560-38-M

[A-6-FRL 1706-4]

Approval of NESHAP Application of B.F. Goodrich Company

Notice is hereby given that on September 26, 1980, the Environmental Protection Agency approved B.F. Goodrich Company's application to construct ethylene dichloride (EDC), vinyl chloride monomer (VCM) and polyvinyl chloride (PVC) production facilities near Convent, Louisiana.

This approval has been issued under EPA's National Emission Standards for Hazardous Air Pollutants (NESHAP), 40 CFR Part 61, Subparts A and F, which are standards for vinyl chloride applicable to the construction or modification of plants which produce ethylene dichloride, vinyl chloride and/ or polyvinyl chloride.

The letter of approval does not relieve B.F. Goodrich Company of the legal responsibility to comply with NESHAP regulations applicable to vinyl chloride sources, 40 CFR Part 61, Subparts A and F, or to comply with other laws and regulations, federal, state or local, which

may be applicable.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of publication in the Federal Register. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of this notice may not be challenged later in civil or criminal procedings brought by EPA to enforce these requirements.

Copies of the letter of approval issued B.F. Goodrich Company are available

for public inspection upon request at the following locations:

Air Enforcement Branch, Environmental Protection Agency, Region 6, First International Building, 1201 Elm Street, Dallas, Texas

Air Quality Division, Department of Natural Resources, Natural Resource Building, 625 North Fourth, Baton Rouge, Louisiana.

Dated: November 28, 1980.

Frances E. Phillips,

Acting Regional Administrator, U.S. Environmental Protection Agency, Region 6.

[FR Doc. 80-39102 Filed 12-16-80; 8:45 am] BILLING CODE 6580-38-M

[A-6-FRL 1706-5]

Approval of NESHAP Application of Conoco Checmicals Company

Notice is hereby given that on July 7, 1980, the Environmental Protection Agency approved Conoco Chemicals Company's application to construct an expansion to its existing ethylene dichloride (EDC)-vinyl chloride monomer (VCM) production facilities in Westlake, Louisiana.

This approval has been issued under EPA's National Emission Standards for Hazardous Air Pollutants (NESHAP), 40 CFR Part 61, Subparts A and F, which are standards for vinyl chloride applicable to the construction or modification of plants which produce ethylene dichloride, vinyl chloride, and/or polyvinyl chloride.

The letter of approval does not relieve Conoco Chemicals Company of the legal responsibility to comply with NESHAP regulation applicable to vinyl chloride sources, 40 CFR Part 61, Subparts A and F, or to comply with other laws and regulations, federal, state or local, which may be applicable.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of publication in the Federal Register. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of this notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Copies of the letter of approval issued to Conoco Chemicals Company are available for public inspection upon request at the following locations:

Air Enforcement Branch, Environmental Protection Agency, Region 6, First International Building, 1201 Elm Street, Dallas, Texas Air Quality Division, Department of Natural Resources, Natural Resource Building, 625 North Fourth, Baton Rouge, Louisiana.

Dated: November 28, 1980.

Frances E. Phillips,

Acting Regional Administrator, U.S. Environmental Protection Agency, Region 6.

[FR Doc. 80-39103 Filed 12-16-80; 8:45 am]

BILLING CODE 6560-38-M

[WH-FRC 1705-3]

Interagency Review Board for the Chemical Waste Incinerator Ship Program, Meeting

AGENCY: Environmental Protection Agency.

ACTION: Notice of meeting; notice of limited meeting.

SUMMARY: The notice presents the schedule and proposed agenda of a forthcoming meeting of the Interagency Review Board for the Chemical Waste Incinerator Ship Program. The purpose of the meeting is to obtain comments and recommendations from the private sector on how the Board should pursue its objectives and meet the needs of the private sector on the at-sea and land-based destruction of hazardous materials.

DATE: December 18, 1980.

ADDRESS: Sheraton International Conference Center, Reston, Virginia 22091.

FOR FURTHER INFORMATION CONTACT:

Russel Wyer, Co-chairman of the Interagency Review Board for the Chemical Waste Incinerator Ship Program, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. Phone [202] 245–3048.

SUPPLEMENTARY INFORMATION: This meeting is limited to companies, corporations and associations who are presently planning or intend to become involved in the destruction of hazardous materials. Those individuals planning to attend should notify Mr. Russel Wyer immediately.

Michael B. Cook.

Acting Deputy Assistant Administrator for Water Program Operations (WH-546).

[OPTS-00019; TSH-FRC 1706-2]

Interagency Toxic Substances Data Committee; Cancellation of Meeting

AGENCY: Environmental Protection Agency (EPA). ACTION: Notice. SUMMARY: The January 1981 meeting of the Interagency Toxic Substances Data Committee has been cancelled.

FOR FURTHER INFORMATION CONTACT:

Nan Fremont (TS-777), Executive Secretary, Interagency Toxic Substances Data Committee, Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460, (202-755-8040).

SUPPLEMENTARY INFORMATION: The regular meetings of the Interagency Toxic Substances Data Committee take place on the first Tuesday of each month at 9:30 a.m. and are open to the public. The meetings are held in: Room 2010, New Executive Office Building, 17th St. and Pennsylvania Ave. NW., Washington, DC 20006.

The January 1981 meeting has been cancelled. The next meeting of the Interagency Toxic Substances Data Committee will take place on February 3, 1981.

Dated: December 11, 1980.

Nan Fremont,

Executive Secretary, Interagency Toxic Substances Data Committee.

[FR Doc. 80-39094 Filed 12-16-80; 8:45 am] BILLING CODE 6560-31-M

[OPTS-50025; TSH-FRL 1706-3]

Transfer of TSCA Data to Contractor

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of data transfer.

SUMMARY: EPA will transfer to its contractor, JRB Associates, Inc. of McLean, Virginia, information submitted by manufacturers and importers under Sections 4, 5, and 8 of the Toxic Substances Control Act (TSCA). Some of this information may be claimed confidential. JRB will review information submitted under Sections 8(a) and 8(b) in order to prepare materials balance studies. EPA will use these studies to perform exposure assessments and as bases for selecting regulatory approaches. JRB will perform initial health hazard assessments on Section 5 Premanufacture Notification (PMN) and Test Marketing Exemption (TME) chemicals. It will use the information submitted under Section 4 to assess the need for additional testing of chemical substances.

DATE: The transfer of data submitted to EPA and claimed to be confidential will occur no sooner than January 2, 1981.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Director, Industry Assistance Office, Office of Pesticides and Toxic Substances (TS-793), Environmental Protection Agency, 401 M St., SW, Washington, D.C. 20460. The toll-free telephone number is 800–424–9065. In Washington, D.C., please call 554–1404.

SUPPLEMENTARY INFORMATION: Under TSCA, EPA must determine whether or not certain chemical substances or mixtures may present an unréasonable risk of injury to health or the environment from their manufacture, processing, distribution in commerce, use or disposal. As components of the unreasonable risk determination, the Agency must determine whether or not there is potential for human or environmental hazard or exposure to the substances or mixtures in question. To accomplish this, EPA will require the assistance of outside experts. EPA has selected JRB Associates, Inc. of McLean, Virginia to develop information which will assist in determining if there is potential human or environmental hazard or exposure to certain chemical substances or mixtures.

JRB will review information submitted under Section 8 (a) and (b) and use it to prepare materials balance studies which trace the flow of chemicals from their manufacturer through the various activities in which they appear (i.e., processing, distribution, use, and disposal). These studies will help show where and to what extent a substance is likely to contact humans or the environment. EPA will use these materials balances to perform exposure assessments and as bases for selecting regulatory approaches. JRB will perform health hazard assessments on Section 5 PMN and TME chemicals. JRB will use the information submitted under Section 4 to assess the need for additional tesing of chemical substances.

Pursuant to 40 CFR 2.306(j), EPA has determined that it may need to disclose Confidential Business information to JRB. Under terms of its contracts with JRB (Contract No's. 68–01–5793, 68–01–6108, 68–01–6144, and 68–01–6151), EPA will provide JRB with information concerning health and safety, production levels, product formulation, manufacturing processes, uses, release rates, and exposure levels of chemcial substances obtained under Sections 4, 5, or 8 of TSCA.

EPA is publishing this notice to inform all submitters of Section 4, 5, or 8 information that JRB may review Confidential Business Information submitted to EPA under those TSCA sections. JRB is legally required under the terms of its contracts to safeguard from any unauthorized disclosure the Confidential Business Information it reviews. Any reports JRB prepares using this information will also be treated as

confidential. After completing these various analyses, JRB will return the Confidential Business Information to

JRB Associates, Inc. has been authorized under the EPA TSCA Confidential Business Information Security Manual to have access to Confidential Business Information. EPA has conducted the required inspection of the JRB facilities and reviewed its security plan and found both to be in compliance with the requirements of the Security Manual. JRB is required to handle all TSCA Confidential Business Information in accordance with the requirements of that manual.

(Statutory Authority: Sections 4, 5, 8, and 14 of TSCA (Pub. L. 94-469, 90 Stat. 2003, 15 U.S.C. 2601 et seq.))

Dated: December 8, 1980.

Warren R. Muir,

Deputy Assistant Administrator for Toxic Substances.

[FR Doc. 80-39095 Filed 12-16-60; 8:45 am] BILLING CODE 6560-31-M

[OPTS-51186; TSH-FRL 1705-6]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA). ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5 working days after receipt. This Notice announces receipt of two PMN's and provides a summary of each.

DATES: Written comments by: PMN 80-320, January 6, 1981. PMN 80-328, January 17, 1981.

ADDRESS: Written comments to:
Document Control Officer (TS-793),
Management Support Division, Office of
Pesticides and Toxic Substances,
Environmental Protection Agency, Rm.
E-447, 401 M St., SW., Washington, DC
20460, (202-755-8050).

FOR FURTHER INFORMATION CONTACT:
Kirk Maconaughey, Chemical Control
Division (TS-794), Office of Toxic
Substances, Environmental Protection
Agency, Rm. E-210, 401 M St., SW.,
Washington, DC 20460, (202-426-3936).
SUPPLEMENTARY INFORMATION: Section
5(a)(1) of TSCA [90 Stat. 2012 [15 U.S.C.
2604)], requires any person who intends

to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1. 1979. Notices of availability of the Inventory were published in the Federal Register of May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 595444-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the Federal Register issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the Federal Register of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the Federal Register nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s) and the potential exposure descriptions in the Federal Register.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended Federal Register notice. EPA immediately will review confidentiality claims for chemical identity, chemical

use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the Federal Register.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before the dates shown under "Dates", submit to the Document control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-447, 401 M St., SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51186]" and the specific PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604)) Dated: December 11, 1980.

Edward A. Klein.

Director, Chemical Control Division.

PMN 80-320

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. February 5, 1981.

Manufacturer's Identity. Stauffer Chemical Co., Nyala Farm Rd., Westport CT 06880. Specific Chemical Identity. Vanadic acid, tris(2-methylpropyl) ester.

Use. Claimed confidential business information. Generic use provided: Catalyst.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Physical state—Liquid
Color—Pale yellow
Odor—Isobutanol-like sweet odor
Solubility—Soluble in oil and nonpolar
solvents such as benzene, toluene,
cyclohexane

Molecular weight—286 Boiling point—>50°C at 1 mm Hg Flash point—≤100°F (Seta Flash) Melting point—5°F or −10°F Specific gravity—1.0113 at 60°C Viscosity—3cps at 100°F Vapor pressure at—32°F-10.2 torr; 50°F-16.0 torr; 100°F-50.0 torr; 150°F-122.0 torr; 200°F-270.0 torr; 250°F-520.0 torr; 275°F-720.0 torr.

Toxicity Data

Acute oral, LD₅₀ (male rat)—293 mg/kg.

Acute oral, LD₅₀ (female rat)—296 mg/kg.

Acute dermal, LD₅₀ (rabbit)—1,930 mg/kg.

Primary eye irritation—Corrosive.
Primary skin irritation—Severe
irritant.

21-day repeated dermal—Pending. Ames Salmonella assay—Nonmutagenic.

Exposure

Activity and exposure route(s)	Maximum number exposed	Maximum duration		Concentrations	
		Hours/day	Days/year	Average	Peak
Manufacture: Dermal	3 1	8 1	90 NA	(2)	C.

Unknown.

Environmental Release/Disposal. The manufacturer states that: The manufacture of the new substance is conducted almost entirely in a closed system and no release to the environment is anticipated; waste waters generated in the manufacturing process are discharged to a publicly owned treatment works from the waste water treatment station; and liquid chemical wastes are disposed of in 55-gallon drums in approved landfill.

PMN 80-328

The following summary is taken from the data submitted by the manufacturer in the PMN.

Close of Review Period. February 16,

Manufacturer's Identity. Monsanto Co., 800 N. Lindbergh Blvd., St. Louis, MO 63166.

Specific Chemical Identity. Claimed confidential business information.
Generic name provided; Unsaturated melamine formaldehyde methanol resin.

Use. Crosslinking agent for alkyd resin paint systems.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Solids—77–80% Viscosity—1000–4000 cps Specific gravity at 25°C—1.09–1.11 Water solubility—None Equivalent weight—Calculated as 4 to 5 milliequivalents of carbon-carbon unsaturation per gram of resin solids Resin stability—No change in viscosity for at least 30 days at room temperature.

Toxicity Data

Acute oral, LDso (albino rats)-> 5,000 mg/kg

Acute dermal, LD₅₀ (rabbit)—> 5,000 mg/kg

Skin irritation (rabbit)—Non-irritating (score of 0.4 on a scale of 8) Eye irritation (rabbit)—Slight irritant

(3.7 on a scale of 110).

Exposure. The submitter states that due to the non-volatility of the new resin, exposure by inhalation to the new substance is nil, however, dermal exposure may occur due to accidental spills. The manufacturing process will be in a closed system operated by 5 to 6 workers.

Environmental Release/Disposal. The manufacturer states that any environmental release of the new substance will be incidental; that the process does not generate waste material, but due to contamination, some waste may be formed. Waste resin solution, approximately 1,000 pounds/year, will be reprocessed or disposed of at an approved hazardous waste disposal facility.

[FR Doc. 80-39097 Filed 12-16-80: 8:45 am] BILLING CODE 6560-31-M [TSH-FRL 1706-1]

Certain Chemicals; Premanufacture **Notices**

AGENCY: Environmental Protection Agency (EPA). ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture of import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5 working days after receipt. This Notice announces receipt of two PMN's and provides a summary of each.

DATES: Written comments by:

PMN 80-316—January 16, 1981 PMN 80-327—January 16, 1981

ADDRESS: Written comments to: Document Control Officer (TS-793). Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-447, 401 M St., SW., Washington, DC 20460, (202-755-80500).

FOR FURTHER INFORMATION CONTACT:

George Bagley, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-210, 401 M St., SW., Washington, DC 20460, (202-426-3936).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published in the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the Federal Register of May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 505444-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the Federal Register issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the Federal

Register of May 15, 1979 [44 FR 28564] for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the Federal Register nonconfidential information on the identity and use(s) of the substances, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the Federal Register.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended Federal Register notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public files. after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the Federal Register.

Once the review period ends. The submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins

to manufacture the substance, he must report to EPA, and the Agency will add to the substance of the Inventory. After the substance is added to the Inventory. any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are

published herein.

Interested persons may, on or before the dates shown under "DATES" submit to the Document Control Officer (TS-793), Management Support Division. Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-447, 401 M St., SW, Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51189]" and the specific PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Date: December 12, 1980.

Edward A. Klein,

Director, Chemical Control Division.

PMN 80-316

The following summary is taken from the data submitted by the manufacturer in the PMN.

Close of Review Period. February 2,

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information.

Use. Claimed confidential business information. Generic information provided: Catalyst.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. Claimed confidential business information.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. Claimed confidential business information.

PMN 80-327

The following summary is taken from the data submitted by the manufacturer in the PMN.

Close of Review Period. February 15.

Manufacturer's Identity. Claimed confidential business information. Generic information provided:

Annual sales-In excess of \$500

Manufacturing site-Northeast U.S. Standard Industrial Classification Code-282.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Toluene diisocyanate blocked prepolymer.

Use. Adhesive promoter for printing

Production Estimates

	Pounds per year		
	Minimum	Maximum	
First year	3,000	25,000	
Second year	12,000	50,000	
Third year	20,000	100,000	

Physical/Chemical Properties:

Solids-70%.

Viscosity, at 25°C-2,000 cps. Vehicle-Ethyl acetate. Appearance—Clear, slightly yellow viscous liquid.

Type-Isocyanate-free urethane resin. Toxicity Data. No data were submitted.

Exposure. No data were submitted. Claimed confidential business information.

Environmental Release/Disposal. The manufactuer claims that blocked urethanes have been used in commerce without adverse effects to health or the environment; that coatings and inks using this polymer would release solvent as a waste stream to the air. Organic solvent used to clean equipment will be reclaimed or residues disposed of in an approved site. FR Doc. 80-39100 Filed 12-16-80; 8:45 am

[OPTS-51191; TSH-FRL 1705-7]

BILLING CODE 6560-31-M

Epoxidized Soybean Oil, Benzoic Acid; Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA). ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish

in the Federal Register certain information about each PMN within 5 working days after receipt. This Notice announces receipt of a PMN and provides a summary.

DATE: Written comments by January 11, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Envirionmental Protection Agency, Rm. E-447, 401 M St. SW., Washington, DC 20460, [202-755-8050].

FOR FURTHER INFORMATION CONTACT: Rick Green, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm, E-221, 401 M St., SW., Washington, DC 20460, (202-426-3980).

SUPPLEMENTARY INFORMATION: Section. 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Inventory were published in the Federal Register of May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50533-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the Federal Register issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the Federal Register of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the Federal Register nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the

Federal Register.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended Federal Register notice. EPA immediately will review confidentiality claims for chemical identity, chemical use(s), the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the Federal Register.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, a summary of the data taken from the PMN is published herein.

Interested persons may, on or before Ianuary 11, 1981, submit to the Document Control Officer (TS-793). Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-447, 401 M St., SW., Washington, DC 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that

individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51191]" and the PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: December 11, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 80-322

The following summary is taken from the data submitted by the manufacturer in the PMN.

Close of Review Period. February 10,

Manufacturer's Identity. Claimed confidential business information. Generic information provided:

Annual sales—Between \$10 million and \$99,999,999

Manufacturing site—West-north central U.S.
Standard Industrial Classification
Code—285
Specific Chemical Identity

Specific Chemical Identity.
Epoxidized soybean oil, benzoic acid.
Use. Air dry paint.

Production Estimates

ALTERNATION OF THE PARTY OF THE PARTY.	Pounds per year		
	Minimum	Maximum	
First year	20,000	30,000	
Second year	30,000	35,000	

Physical/Chemical Properties

Non-volatile—90±1
Viscosity—J-L
Acid number—0-3
Weight/gallon—8.30 lb
Epoxide equivalent weight—300
Solvent—Xylene
Toxicity Data. No data were

submitted.

Exposure

Site/activity and exposure route(s)	Maximum, number exposed	Maximum duration		Concentration (unit: ppm)	
		Hours/day	Days/year	Average	Peak
	2	1	251		1-10
Manufacture: Inhalation	1	4	251		1-10
Processing: Inhalation	2	4	251	***************************************	1-10
Use: Inhalation	2	- 1	251	********	1-10

Environmental Release/Disposal. The manufacturer states that the manufacture of this substance will be carried out in closed equipment; that less than 30 kilograms (kg) of the substance may be released to the environment per year, 1-8 hours per day, 251 days a year.

[FR Doc. 80-39098 Filed 12-16-80; 8:45 am] BILLING CODE 6560-31-M

[OPTS-51192; TSH-FRL 1705-8]

Salt of Fatty Acid Dimer; Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5 working days after receipt. This Notice announces receipt of a PMN and provides a summary.

DATE: Written comments by January 18,

ADDRESS: Written comments to:
Document Control Officer (TS-793),
Management Support Division, Office of
Pesticides and Toxic Substances,
Environmental Protection Agency, Rm.
E-447, 401 M St. SW., Washington, DC
20460, (202-755-8050).

FOR FURTHER INFORMATION CONTACT: David Dull, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-206, 401 M St. SW., Washington, DC 20460, (202-426-2601).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 [15 U.S.C. 2604)], requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing

substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the Federal Register of May 15, 1979 (44 FR 28558–Initial) and July 29, 1980 (45 FR 50544–Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the Federal Register issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the Federal Register of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the Federal Register nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the Federal Register.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended Federal Register notice. EPA immediately will review confidentiality claims for chemical identity, chemical use(s), the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to

confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the Federal Register.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, a summary of the data taken from the PMN is

published herein.

Interested persons may, on or before January 18, 1981, submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances. Environmental Protection Agency, Rm. E-447, 401 M St., SW, Washington, DC 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51192]" and the PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: December 11, 1980.

Edward A. Klein,

Director, Chemical Control Division.

PMN 80-329

The following summary is taken from the data submitted by the manufacturer in the PMN.

Close of Review Period. February 17, 1981.

Manufacturer's Identity. E. I. du Pont de Nemours & Co., Inc., 1007 Market St., Wilmington, DE 19898.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Salt of fatty acid dimer.

Use. Plastic additive.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Melting point-260°C

Approximate molecular weight-565

Toxicity Data. Du Pont considers the PMN substance to be innocuous. A number of closely related substances are sanctioned by the FDA as direct food additives under 21 CFR 172.863 and 21 CFR 172.860.

Exposure. The manufacturer states that 1 worker may be exposed dermally and by inhalation, 150 hours per year.

Environmental Release/Disposal. E. I. du Pont de Nemours states that environmental release will be incidental and that any waste product will be disposed of by incineration.

[FR Doc. 80-39099 Filed 12-16-80; 8:45 am] BILLING CODE 6560-31-M

[OPTS-51188; TSH-FRL 1705-5]

Polymer of Modified Resin Esters and Mixed Oils Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA). ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5 working days after receipt. This Notice announces receipt of a PMN and provides a summary.

DATES: Written comments by January 4, 1981.

ADDRESS: Written comments to:
Document Control Officer (TS-793),
Management Support Division, Office of
Pesticides and Toxic Substances,
Environmental Protection Agency, Rm.
E-447, 401 M St. SW., Washington, DC
20460, (202-755-8050).

FOR FURTHER INFORMATION CONTACT: Robert Jones, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-208, 401 M St. SW., Washington, DC 20460, (202-426-8816).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance

that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the Federal Register of May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50544-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the Federal Register issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the Federal Register of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the Federal Register nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the Federal Register.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended Federal Register notice. EPA immediately will review confidentiality claims for chemical identity, chemical use(s), the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will

publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the Federal Register.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, a summary of the data taken from the PMN is

published herein.

Interested persons may, on or before January 4, 1981, submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-477, 401 M St., SW, Washington, DC 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51188]" and the PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00

p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: December 11, 1980.

Edward A. Klein,

Director, Chemical Control Division.

PMN 80-317

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. February 3, 1981.

Manufacturer's Identity. Claimed confidential business information. Generic information provided:
Manufacturing site—Mid-Atlantic U.S.

Standard Industrial Classification Code—285, e.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of modified resin esters and mixed oils.

Use. Claimed confidential business information. Generic use provided: The submitter states that the substance will be used in an open use that will release more than 50 but less than 5,000 kilograms of the substance to the environment per year.

Production Estimates

	Kilograms per year		
	Minimum	Maximum	
First year	180,000	360,000	
Second year	180,000	360,000	
Third year	150,000	300,000	

Physical/Chemical Properties

Acid value ¹—10.5 Meq KOH/gm Viscosity—78,4 sec. FC 4 at 25°C Percent Total solids ¹ (weight)—58.9% Flash point ¹—93°F (P–M)

Toxicity Data. No data were submitted.

Exposure

Activity and exposure route(s)	Maximum number exposed	Maximum duration		Concentrations (unit mg/m³)	
		Hours/day	Days/year	Average	Peak
Manufacture (2 sites): Skin, eye, inhalation	12	4 .25	5-20 200	0-1 0-1	0-1 0-1

Environmental Release/Disposal Manufacture:

Media—Amount of Chemical Release (kg/yr).

Air-<20.

Water-<20.

Land-10-1,000.

Typical User:

Air-<10.

Water—<10. Land—10-100.

The sludge and other organic waste are either landfilled or sold as fuel.

[FR Doc. 80-39096 Filed 12-16-80; 8:45 am]

BILLING CODE 6560-31-M

¹ Indicates value reported on solution of new substance at solids shown.

GENERAL SERVICES ADMINISTRATION

Intent To Prepare Environmental
Impact Statement on Program
Statement and 10-Year, Long-Range
Housing Plan for Satisfying Federal
Agency Space Needs in Houston, Tex.

AGENCY: General Services Administration.

ACTION: 10-year, long-range Federal housing plan.

PURPOSE: To provide adequate space for the existing and future space needs of Federal agencies in Houson, Texas.

FOR FURTHER INFORMATION CONTACT: Frank R. Praslicka, Public Buildings Service (7PG) General Services Administration, Region 7, 819 Taylor St. Forth Worth, TX 76102 (817) 334–2531.

SUMMARY: 1. Description of the Proposed Action: The proposed EIS will cover the 10-year long-range housing plan for satisfying Federal agency space needs in the delineated area of Houston identified as the area within Interstate Loop 610.

2. Description of Alternatives: The alternatives to be considered include the

following:

a. Federal construction.

b. Acquisition of leased space. c. Purchase of an existing building including properties of historic, architectural or cultural significance.

d. Expansion of existing facilities.e. Maintenance of the status quo.

- 3. Public participation in the EIS Process: Full participation by interested Federal, State and local agencies, as well as all other interested organizations and individuals, is invited to assist GSA in identifying the appropriate scope of the project. Significant items to be discussed in the EIS presently include the following:
- a. Historic environment, including reference to Section 106 of the National Historic Preservation Act of 1966.

 Effects on transportation and parking within the delineated area.

c. Effects on local zoning.

 d. Natural hazards including 100-year flood plain and seismic activity.

4. Scoping: The scoping for this EIS consists of a request for Federal, regional and local agencies to assist GSA in identifying the appropriate scope of the proposed program statement and housing plan. The

agencies contacted will be those normally consulted under the Intergovernmental Cooperation Act and OMB Circular A-95 procedures. Other organizations concerned with area-wide development and environmental issues are also invited to submit comments. A meeting will not be held. Written statements will be accepted until February 2, 1981.

5. Timing: It is expected that the Draft EIS will be available for public review

within five months.

6. Request for copies of the Draft EIS: All interested persons or organizations are encouraged to submit their names and addresses to the person indicated above for inclusion on the distribution list for the Draft EIS.

L. N. Stewart,

Acting Regional Administrator.

December 3, 1980 [FR Doc. 80-39041 Filed 12-16-80; 8:45 am] BILLING CODE 6820-23-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Services Administration

Assistance Under Public Health Service Act; Availability of Project Grants for General Family Planning Training; Correction

AGENCY: Health Services Administration.

ACTION: Grant application announcement; correction

SUMMARY: The Bureau of Community
Health Services, Health Services
Administration, in a notice in the
Federal Register on October 28, 1980, (45
FR 71432) announced that competitive
applications are now being accepted for
grants for general family planning
training projects (catalog of Federal
Domestic Assistance Number 13.260.
These grants are authorized by section
1003(a) of the Public Health Service Act
(42. U.S.C. 300a-1(a)).

The notice incorrectly indicated that completed applications must be submitted to the appropriate Health Systems Agencies. This requirement does not apply at this time to applications for training grants. Completed applications must, however, be submitted to the appropriate A-95 Clearinghouse Agency (see Office of Management and Budget Circular A-95, Revised) at least 60 days prior to the due date for completed applications to be received by the Bureau of Community Health Services.

FOR FURTHER INFORMATION CONTACT: Ceilon R. Hill, Chief, Health Manpower and Preventive Services Branch, Division of Policy Development, Bureau of Community Health Services, Health Services Administration, Department of Health and Human Services, Room 6-40, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. Telephone 301 443-1034.

Dated: December 8, 1980.

George I. Lythcott,

Assistant Surgeon General, Administrator.

[FR Doc. 80-39043 Filed 12-16-80; 8:45 am]

BILLING CODE 4110-84-M

Public Health Service

Food and Drug Administration; Statement of Organization, Functions, and Delegations of Authority; Correction

In FR Doc. 80–26234 appearing on pages 57174–5 in the issue of Wednesday, August 27, 1980, the functional statements presented therein should be corrected as follows:

1. The third paragraph of the statement for (q-9) *Division of Molecular Biology* (HFTB) should be

changed to read:

"Conducts applied research and development in flow cytometry; discriminates between and examines cell types and cellular fractions derived from or related to toxicological experimentation."

2. The following paragraphs should be added to the statement for (q-14) Division of Biometry (HFTT) following the second paragraph thereof:

"Employs mathematical and statistical procedures to develop improved experimental protocols and methods for analyzing toxicological data.

Provides statistical consultation services to aid in establishing regulatory standards for population risk."

Dated: December 8, 1980.

Patricia Roberts Harris,

Secretary,

[FR Doc. 80-39193 Filed 12-18-80, 8:45 am]

BILLING CODE 4110-03-M

Office of the Secretary

Social Security Administration; Statement of Organization, Functions and Delegations of Authority

Part S of the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services covers the Social Security Administration (SSA). Sections SM.00, SM.10 and SM.20 of the SSA statement, as published in the Federal Register on August 7, 1979 (44 FR 46328-34), describe the mission, organization and functions of SSA's Office of Management, Budget, and Personnel (OMBP).

Notice is given that sections SM.10 and SM.20 are amended to: reflect the establishment of the Office of Training as a major component of OMBP (pp. 46329 and 46334); abolish the Division of General Training and the Division of Technical Training in OMBP's Office of Human Resources (OHR) (pp. 46329, 46332, and 46333); and delete remaining references of "training and career development" throughout OHR's functional statement.

The OMBP material is amended as

follows:

Sec. SM.10 The Office of Management, Budget, and Personnel (Organization) (p. 46329):

F. The Office of Human Resources

(SMH):

7. The Division of General Training (SMHD) Delete all material.

8. The Division of Technical Training (SMHL) Delete all material. Renumber the following OHR

components:

"7. The Division of Disciplinary and Adverse Actions (SMHM)

8. The Executive Recruitment and Services Staff (SMHN)

9. The Division of Personnel Operations (SMH9)."

Add "H. The Office of Training (SMK), which includes:

1. The Training Resources and Evaluation Staff (SMK1),

2. The Division of General Training (SMK2),

3. The Division of Managerial Development (SMK3).

4. The Division of Technical Training (SMK4)."

Sec. SM.20 The Office of Management, Budget, and Personnel (Functions) (p. 46329–34):

D. The Office of Management, Planning and analysis (SMP) (p. 46329):

3. The Division of Work Force Effectiveness.

a. Delete from line 11 "training"; delete from line 12 "to", substitute "the".

F. The Office of Human Resources (SMH) (p. 46331):

Delete from line 8 "training"; delete from lines 13 and 14 "training and career development."

3. The Evaluation and Field Liaison Staff (SMHD) (p. 46332): Delete from lines 4 and 5 "training and career development,"

7. The Division of General Training (SMHK) (pp. 46332-33): Delete all

8. The Division of Technical Training (SMHL) (p. 46333): Delete all material.

Renumber the following OHR components:

7. The Division of Disciplinary and Adverse Actions (SMHM).

8. The Executive Recruitment and Services Staff (SMHN). b. Delete all material.

9. The Division of Personnel Operations (SMH9)."

Add "H. Office of Training (SMK) (p.

46334):

1. The Training Resources and Evaluation Staff (SMK1):

a. Plans, formulates and conducts a program for the evaluation and measurement of all SSA training courses in terms of quality, effectiveness, training program costs and value to the

b. Directs the financial management activities for SSA training, consistent with overall SSA and Office of Management and Budget policy, including budget development, analysis. planning, coordination and execution; plans, develops and directs an SSAwide training budget management

c. Provides general support for SSA's training activities including the coordination of training contracts and the management of all SSA training facilities; develops the annual SSA-wide training plan in coordination with appropriate SSA components.

d. Plans, develops and administers the SSA-wide instructor training and certification program and the management of an SSA national cadre

of training instructors.

e. Plans and directs ongoing development, analysis and evaluation of the SSA training Information System.

2. The Division of General Training

a. Plans, formulates and implements policies, procedures and standards for all training and career development activities, including executive development. Reviews and approves training and career development proposals submitted by SSA components to ensure consistency with overall SSA training policies and programs and compliance with pertinent laws and regulations; prepares SSA comments on proposed OPM or HHS training policy issuances and developmental programs; and complies with HHS/OPM regulatory and administrative reporting requirements.

b. Plans, develops and implements a program for the projection of short and long-range planning to meet SSA training needs and identifies areas of special emphasis needed to meet

projected training requirements. Conducts ongoing research into training methodologies and instructional technology; manages the procurement planning process for training related equipment and services.

c. Directs the design, implementation and evaluation of common needs training courses for SSA personnel. Formulates internal guidelines and procedures for the needs determination and evaluation of common needs training.

3. The Division of Managerial Development (SMK3):

a. Designs, implements and maintains a comprehensive system for management and supervisory training and development for SSA:

- b. Designs and implements appropriate supervisory and management developmental programs geared toward attainment of required skills, knowledge and abilities for specififed managerial positions, including identifying managerial and supervisory positions covered by developmental programs; conducting comprehensive job analyses to specify desired knowledge, skills and abilities; grouping managerial positions into "job families:" and designing appropriate training and evaluation mechanisms to ensure attainment of program objectives;
- c. Designs and implements a management and supervisory core curriculum for all SSA supervisors and managers, including evaluation mechanisms to ensure a cost-effective system for this training.
- 4. The Division of Technical Training (SMK4):
- a. Directs the design, development and implementation of all SSA program/ technical training including entry level and advanced program training, systems and computer technology training, and all other technical training to meet the needs of SSA components nationwide. Formulates internal guidelines and procedures for the determination and evaluation of technical training needs, and monitors and reviews the conduct of technical training courses and programs.

Dated: December 4, 1980. Patricia Roberts Harris, Secretary. FR Doc. 80-39194 Filed 12-16-80; 8:45 am BILLING CODE 4110-12-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Arizona; Close of the Hualapai-Aquarius Accelerated Wilderness **Inventory Protest Period**

SUMMARY: This notice announces that the formal protest period for the Hualapai-Aquarius Accelerated Wilderness Inventory ended on November 14, 1980. The start of the protest period was announced in the October 14, 1980, Federal Register, page

The final decision is in effect on the following units:

AZ-020-037/043 AZ-020-046 AZ-020-048 AZ-020-050 AZ-020-051 AZ-020-053 AZ-020-054 AZ-020-056 AZ-020-057 AZ-020-058 AZ-020-060 AZ-020-061 AZ-020-063 AZ-020-065 AZ-020-067

Two units which were identified as WSAs are under protest:

AZ-050-059 AZ-050-062

These protests will be evaluated and a decision rendered in January 1981.

Glendon E. Collins,

Acting State Director. December 8, 1980. [FR Doc. 80-39044 Filed 12-16-80: 8:45 am] BILLING CODE 4310-84-M

Nevada: Amendment and Republication of Proposed Withdrawal

December 8, 1980.

Notice of the Fish and Wildlife Service (formerly the Bureau of Sport Fisheries and Wildlife), Department of the Interior, application for withdrawal of 70,000 acres of public land to expand the Desert National Wildlife Range and to withdraw the entire range from entry under the mining laws, but not the mineral leasing laws was published as Federal Register document 74-7022 on page 11316 on March 27, 1974 and document 74-4474 on page 7474 February 26, 1974. The application was amended by Federal Register document 80-10355 on page 23530 on March 28, 1980 to relinquish a portion of the lands so it could be used for a power transmission line. The right-of-way for this portion of the power transmission line when issued did not include all of

the land relinquished by the Fish and Wildlife Service. The Fish and Wildlife Service application is hereby amended to include that land not utilized by the power transmission line.

All of the public land now proposed for withdrawal to expand the Desert National Wildlife Range is described as

Mount Diablo Meridian, Nevada

T. 8 S., R. 61 E., (partially unsurveyed) Secs. 8 and 9, all; Sec. 10, W1/2, W1/2E1/2:

Sec. 14, W%SW4SW4;

Sec. 15, NW 4NE 4NE 4, S4NE 4NE 4. S1/2NE1/4, NW1/4NE1/4, NW1/4, S1/2;

Sec. 16 to 22, incl., all;

Sec. 23, W1/2NW1/4, S1/2SE1/4NW1/4, NW1/4, SE14NW14, SW14:

Sec. 25, SW4NW%, NW4SW4. S%SW4;

Sec. 26 to 35 incl., all:

Sec. 36, NW4NE4, S4NE4, NW4, S4;

T. 8 S., R. 62 E.,

Secs. 31, Lots 3, 4, SE1/4SW1/4.

T. 9 S., R. 62 E.,

Secs. 10, 14, 15, 22, 23, 26, 27, 34 and 35, those portions lying between the east boundary of the existing Desert National Wildlife Range (D.N.W.R.) to 1,200 feet west of the westerly line of the right-ofway of U.S. Highway 93.

T. 10 S., R. 62 E.,

Secs. 2, 11, and 13, those portions lying between the east boundary of the existing D.N.W.R. to 1,200 feet west of the westerly line of the right-of-way of U.S. Highway 93;

Sec. 14, NE1/4, that portion lying between the east boundary of the existing D.N.W.R. to 1,200 feet west of the vesterly line of the right-of-way of U.S.

Highway 93;

Sec. 14, NE¼NW ¼, SW ¼SE ¼;

Sec. 23, SE¼NE¼, W½NE¼, E½SE¼; Sec. 25, SW1/4SW1/4:

Sec. 36, N1/2, that portion lying between the east boundary of the existing D.N.W.R. to 1,200 feet west of the westerly line of the right-of-way of U.S. Highway 93.

Sec. 36, S1/2, that portion lying between the east boundary of the existing D.N.W.R. and the westerly line of the right-of-way of U.S. Highway 93.

T. 11 S., R. 62 E.,

Sec. 1, that portion lying between the east boundary of the existing D.N.W.R. and the westerly line of the right-of-way of U.S. Highway 93.

T. 11 S., R. 63 E.,

Secs. 18, 19, 30 and 31, those portions lying between the east boundary of the D.N.W.R. and the westerly line of the right-of-way of U.S. Highway 93.

T. 12 S., R. 63 E.,

Secs. 6, 7, 18, 19, 29, 30, and 32, those portions lying between the east boundary of the D.N.W.R. and the westerly line of the right-of-way of U.S. Highway 93.

Sec. 31, all. T. 13 S., R. 63 E.,

Secs. 5, 8, 17, 20, 28, 29, and 33, those portions lying between the east

boundary of the D.N.W.R. and the westerly line of the right-of-way of U.S. Highway 93.

Sec. 6, 7, 18, 19, 30, 31, and 32, all.

T. 131/2 S., R. 63 E., (unsurveyed)

Secs. 31 and 32, all:

Sec. 33, that portion lying between the east boundary of the D.N.W.R. and the westerly line of the right-of-way of U.S. Highway 93.

T. 14 S., R. 63 E., [unsurveyed]

Secs. 4, 9, 16, 21, 28, and 33, those portions lying between the east boundary of the D.N.W.R. and the westerly line of the right-of-way of U.S. Highway 93.

Secs. 5 to 8, incl., 17 to 20, incl., 29 to 32, incl., all.

T. 15 S., R. 63 E.,

Secs. 4, 10, 15, 22, 27, and 34, those portions lying between the east boundary of the D.N.W.R. and the westerly line of the right-of-way of U.S. Highway 93.

Secs. 5 to 9 incl., 16 to 21, incl., 28 to 33,

T. 16 S., R. 63 E.,

Secs. 4, 9, 16, 20, 21, 29, and 32, these portions lying between the east boundary of the D.N.W.R. and the westerly line of the right-of-way to U.S. Highway 93;

Secs. 5 to 8 incl., 17, 18, 19, 30, and 31, all. The lands described aggregate approximately 59,621 acres.

The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976 the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

The applicant agency amended the original proposed withdrawal for 70,000 acres on July 24, 1974 by deleting 8,940.54 acres from the application. On January 17, 1980 the application was amended again by deleting 6,109.09 acres. Including this current amendment the expansion portion of the proposed withdrawal now contains 59,621.20 acres. A public hearing regarding the original proposed withdrawal was held on July 10, 1974 in Las Vegas.

All correspondence in connection with this withdrawal should be directed to the Bureau of Land Management, Department of the Interior, Chief, Division of Technical Services, 300

Booth Street, P.O. Box 12000, Reno, Nevada 89520.

Charles E. Hancock,

Acting Chief, Division of Technical Services.

[FR Doc. 80-39045 Filed 12-16-80; 8:45 am]

BILLING CODE 4310-84-M

Redding District Management Framework Plan Revision

AGENCY: Bureau of Land Management. ACTION: Notice of intent to revise a management framework plan.

SUMMARY: Notice is hereby given that the Redding District, Redding California, is beginning to revise its land use plans for 311,000 acres of Public Lands. The schedule for completion is as follows: Planning Criteria-March 30, 1981; Inventories-9/81, Formulation of alternatives-July 30, 1982; Final decisions-December, 1983. Public participation is invited throughout the planning process. The final decisions will allocate public lands within the Redding District to specific management objectives and uses.

FOR FURTHER INFORMATION CONTACT:

Robert Korfhage, Planning/ Environmental Coordinator, Redding District Office, 355 Hemsted Drive, Redding, CA 96002, (916) 246-5325.

SUPPLEMENTARY INFORMATION: The Redding District is beginning the process of revising land use plans for three resource areas, encompassing 311,000 acres. The revision will determine land use allocations for public lands in all or portions of Butte, Glenn, Modoc, Shasta, Siskiyou, Tehama, and Trinity Counties of Northern California.

The general types of issues to be addressed in the plan are: allocation of vegetation to domestic and wild animals for forage, sensitive riparian zones as they relate to important wildlife habitat and anadromous fisheries, crucial deer winter ranges, sensitive cultural resource areas, State and Federally listed threatened and endangered flora, wilderness study areas, intensive forest management, allocation of water on public lands, allocation of certain public lands for exchange or tenure adjustment, off-road vehicle designations, recreation management on the Sacramento and Trinity Rivers. allocation of public lands for saleable minerals, and enhancement of public lands for State designated scenic highways and rivers.

The planning process will be conducted by an interdisciplinary team of resource specialists and district management. The team will be composed of those resource specialists needed to address the issues, develop

planning criteria and formulate management alternatives.

The public is encouraged to participate throughout the entire process, including but not limited to: identification of natural resource and economic or social concerns, providing inventory information, and recommending alternatives for particular land use allocations. The public will be notified of our progress through our public information process. In order to become involved with the plan and receive further information, write to the Bureau of Land Management, Redding District. It should be noted that according to the Regulations 43 CFR Part 1601.6-1 [d] (FR., Vol. 44, No. 153, 8/7/79) any person who participated in the planning process may protest the plan. However, a protest may raise only those issues which were submitted to the District Manager during the planning process. Public meetings will be held later in the planning process and will be announced through the public participation process.

Documents relevant to the planning process, such as inventory information and existing planning documents are available for review at the Redding District Office during normal working hours (Monday-Friday, 7:45 a.m.-4:30 p.m.).

Stanley D. Butzer,

District Manager.

[FR Doc. 80-39046 Filed 12-18-80; 8:45 am] BILLING CODE 4310-84-M

Status of Wilderness Review of Public Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of status of wilderness review of public lands

SUMMARY: This notice summarizes the present status of the wilderness review of roadless public lands and islands required by the Federal Land Policy and Managment Act (FLPMA), section 603(a). The purposes of this notice and calendar of events are to provide (1) one source of information summarizing current wilderness review activities, and (2) advance notice of upcoming decisions and public review periods.

DATE: All information in this notice is current through December 9. 1980.

FOR FURTHER INFORMATION CONTACT:

Gary G. Marsh, Bureau of Land Management, Division of Wilderness and Environmental Areas, 18th and C Street, NW., Washington, D.C. 20240, Telephone: (202) 343-6064

SUPPLEMENTARY INFORMATION: This calendar of events is the eleventh in a series whose last notice appeared in the Federal Register November 14, 1980, (p. 75575). The calendar of events focuses only on the current status of all ongoing wilderness review activities. Those inventories whose final decisions are in effect, as well as studies or reports not yet initiated, are not reported in this notice. For detailed information regarding each specific activity. reference is made either to the appropriate notice previously apearing in the Federal Register, or to notices which are anticipated to be published in the upcoming 30 days. It must be noted that "anticipated" dates are projected only, and thus are subject to change.

The Bureau of Land Management wilderness review includes (1) an inventory of public lands to identify roadless lands and islands having wilderness characteristics; (2) a study of those areas found to have wilderness characteristics (wilderness study areas or "WSA's"); and (3) a report from the Secretary of the Interior to the President as to whether each WSA is more suitable for wilderness or other resources uses. The President will send his recommendations to Congress. Only Congress has authority to designate an area as wilderness.

The inventory process has two stages: (1) an initial inventory designed to quickly identify and release from wilderness review those lands which clearly and obviously lack wilderness characteristics; and (2) an intensive inventory for those lands which may possess wilderness characteristics. The initial inventory process was completed in the contiguous Western States by December, 1979. In certain instances where important resource use decisions were pending, the criteria used in the intensive inventory process were applied ahead of the regular inventory schedule in order to reach final decisions as quickly as possible. Such inventories are referred to as "special project inventories" or "accelerated intensive inventories."

The wilderness inventory for 14 contiguous Western States was completed for the majority of those lands and was announced in the Federal Register on November 14, 1980 (p. 75574). The statistical summary table reflects both proposed and final intensive inventory decisions in the contiguous Western States, Minnesota, and a special Nonwilderness Assessment in Alaska related to the Alaska Natural Gas Transportation System route. All acreages are presented by State political boundaries

and not BLM administrative boudaries. Some final decisions listed under the "inventory completed" column may be under protest or appeal. In those instances, decisions are not yet in effect and are subject to interim management requirements as required by FLPMA, section 603(c). Any appeals of the State Directors' wilderness inventory decisions will be subject to the administrative procedures as outlined in Title 43 Code of Federal Regulations, Part 4. This regulation identifies the Interior Board of Land Appeals as the office to evaluate and act on such appeals.

The FLPMA also directed the Secretary of the Interior to make recommendations to the President on 55 natural and primitive areas which were formally identified prior to November 1. 1975. They are referred to as "instant study areas (ISA's). To date BLM has reviewed these areas and submitted final suitability recommendations on 19 areas to the President. These recommendations are under administrative review. The President also has received status reports for the remaining 36 areas which outlined the progress in the development of final recommendations concerning their suitability for designation as wilderness.

Three documents concerning the BLM wilderness review program are in preparation in which public review and comment will be requested through separate Federal Register notices in the near future: (1) a proposed wilderness study schedule, (2) draft wilderness study, policies and procedures document-anticipated to be released for public review late December, 1980, and (3) a draft document containing management policies and guidelines for BLM administered wilderness areas. Any person wishing to receive these future documents for review should request copies from BLM State Directors or the Division of Wilderness and Environmental Areas, Bureau of Land Management (430), 18th and C Street, NW, Washington, D.C. 20240.

James W. Monroe, Assistant Director. December 12, 1980.

Calendar of Events

Arizona

Statewide Intensive Inventory

-Final decision announced in Federal Register November 14, 1980 (p. 75577) initiating 30-day protest period. Due to mailing complications, the protest period has been extended from December 15, to December 30, 1980.

Accelerated Intensive Inventory

- —Hualapai-Aquarius Planning Area final decision announced in Federal Register October 14, 1980 (p. 67780); 30-day protest period ended November 14, 1980, with protest. Affects units 2–37/43, 2–46, 2–48, 2–50, 2–51, 2–53, 2–54, 2–56 to 2–63, 2–65, 2–67.
- —State Director's decision on protests for the Overthrust Belt anticipated late December 1980. Affects units: 1– 105 to 1–109, 1–112 to 1–115, 1–119 to 1–124, 1–127 to 1–130, 1–134, 1–135.

Study/Reporting

- —Aravaipa Canyon Instant Study Area final environmental impact statement and suitability report complete; under administrative review.
- Paiute, Paria, and Vermillion Cliffs ISA's draft suitability report and draft environmental impact statement availability announced in Federal Register April 22, 1980, (p. 27022); U.S. Geological Survey and Bureau of Mines mineral reports available for public review, as announced in Federal Register September 25, 1980, (p. 63558); public comment period will end December 22, 1980.

California

Statewide Intensive Inventory

—Final decisions for California-Oregon and California-Nevada interstate units announed in Federal Register
November 14, 1980, (p. 75583) initiating a 30-day protest period ending on December 15, 1980. Protest period is extended to December 29, 1980, due to printing delays as announced in Federal Register November 26, 1980, (p. 78813).

Units Under Appeal to IBLA

- Notice of appeal announced in Federal Register January 7, 1980, (p. 1456). Affects CDCA intensive inventory units: 117, 131, 136, 137A, 143, 150, 156, 172, 217, 221, 222, 227, 242, 263, 264, 265, 271, 299, 305, 321, 325, 334, 343, 348, 376.
- Notice of appeal announced in Federal Register January 7, 1980, (p. 1457). Affects non-CDCA initial inventory units: 010-031, 033, 047, 069, 087, 101; 020-701, 901, 1001; 030-300, 400, 500.
- Notice of appeal announced in Federal Register August 28, 1980, (p. 57549). Affects non-CDCA intensive inventory units 010-040, 060, 063, 065, 068; 050-131, 134, 135, 211.
- —Notices of appeal filed on units amended by protest decision; affects non-CDCA intensive inventory units 020–111, 609, 1013; 030–054.

Colorado

Statewide Intensive Inventory

—Final decision announced in Federal Register November 14, 1980, (p. 75584) initiating 30-day protest period ending December 15, 1980.

Units Under Appeal to IBLA

—Notice of appeal filed January 21, 1980. Affects initial inventory unit 070–031.

Study/Reporting

 Powderhorn ISA draft environmental impact statement and draft suitability report availability announced in Federal Register May 7, 1980. (p. 30141); public comment ended July 1, 1980.

Eastern States

Statewide Intensive Inventory (Minnesota Only)

Final decision on remaining 174 islands announced in Federal Register September 17, 1980, (p. 61797); 30-day protest period ended October 17, 1980, without protest; decision in effect as announced in Federal Register November 7, 1980, (p. 74074).

Idaho

Statewide Initial Inventory

—State Director's proposed intensive inventory decision on Jim Sage unit 23–1 announced in Federal Register June 4, 1980, (p. 37738) initiating a 90-day comment period, which ended September 2, 1980; final decision announced in Federal Register November 14, 1980, (p. 75586) initiating 30-day protest period ending December 15, 1980.

Statewide Intensive Inventory

—Final decision announced in Federal Register November 14, 1980, (p. 75586) initiation 30-day period ending December 15, 1980.

Accelerated Intensive Inventory

—State Director's announcement of decision on protest for Owyhee Planning Areas announced in Federal Register November 14, 1980, (p. 75586) initiation 30-day appeal period. Affects units 16–26, 16–28, 16–36, 16– 40, to 16–42, 16–44, 16–45, 16–47, 16–49 A, B, D, E, 16–52.

Units Under Appeal to IBLA

—IBLA issued decision on November 26, 1980, directing the BLM State Director to release the intensive inventory decision for Stateline initial inventory units 16–48A (contiguous with OR-3– 194A), 16–48B (contiguous with OR-3–

- 195), 16–48C, 16–53 (contiguous with NV–010–103A), 16–56A (contiguous with NV–010–102), 16–59, 16–70E (contiguous with NV–020–811 and OR–3–159), 17–19, 17–21, 17–26 (contiguous with NV–010–179, 22–1 (continguous with NV–010–164 and UT–020–001).
- —Two notices of appeal filed April 11, 1980, affecting Challis Planning Area intensive inventory units 46–11, 46–13, 46–14, 46–14A.
- —Notice of appeal filed July 30, 1980, affecting St. Anthony Sand Dunes initial inventory units 35-3, 35-4, 35-5.

Study/Report

—Great Rift ISA draft environmental impact statement availability announced in Federal Register March 5, 1980, (p. 14251); public comment period ended May 27, 1980; under administrative review.

Montana

Statewide Intensive Inventory

—Final decision announced in Federal Register November 14, 1980, (p. 75589) initiating a protest period ending December 31, 1980.

Units Under Appeal to IBLA

- —Notice of appeal filed June 10, 1980. Affects OTB accelerated intensive inventory unti 076–026.
- —Notices of appeal filed July 28, 1980. Affects OTB accelerated intensive inventory units 075–123; 076–003, 011, 025.
- —Notice of appeal filed July 29, 1980. Affects OTB accelerated intensive inventory units 076–001, 002, 007, 022, 026, 028, 034, 069.
- —Notice of appeal filed August 22, 1980. Affects accelerated intensive inventory units 076-025, 026, 059.
- —Notices of appeal filed October 22, 1980. Affects acclerated inventory unit 064–356.

Study/Reporting

—Humbug Spires and Bear Trap Canyon ISA's draft environmental impact statements and draft suitability reports availability announced in Federal Register April 18, 1980, (p. 26477) and April 30, 1980, (p. 28823); public comment period ended June 17, 1980. U.S. Geological Survey and Bureau of Mines mineral reports were available for 30-day public review during the month of October as announced in Federal Register September 26, 1980, (p. 64937).

Nevada

Statewide Intensive Inventory

—Final decision announced in Federal Register November 14, 1980, (p. 75594) initiating 30–day protest period ending December 15, 1980.

Units Under Appeal to IBLA

—Stateline initial inventory units 010– 103 and 103A, (contiguous with ID-16– 53), 010–102 (contiguous with ID-16– 56A), 020–811

-(contiguous with ID-16-70E and OR-3-159), 010-179 (contiguous with ID-

27-1 and UT-020-001)

-Acclerated intensive inventory unit 020-642 (contiguous with OR-2-81)

New Mexico

Statewide Intensive Inventory

—Final decision announced in Federal Register November 14, 1980, (p. 75590) initiating a 30-day protest period ending Decembr 15, 1980.

Oregon

Statewide Intensive Inventory (includes Washington)

—Final decision announced in Federal Register November 14, 1980, (p. 75597) initiating a 30-day protest period ending December 15, 1980.

Units Under Appeal to IBLA

- —Notice of appeal announced in Federal Register November 29, 1980, (p. 68526); affects initial inventory unit 11-6.
- —Stateline initial inventory units 3– 194A (contiguous with ID–16–48A), 3– 195 (contiguous with ID–16–48B), 3– 159 (contiguous with ID–16–70E and NV–020–811).
- —Notice of appeal announced in Federal Register October 2, 1980, (p. 653339); affects accelerated intensive inventory units 2–81L (contiguous with NV-020-642), 2–82H.

Utah

Statewide Intensive Inventory

—Final decision announced in Federal Register November 14, 1980, (p. 75602) initiating a 30–day protest period ending December 15, 1980.

Accelerated Intensive Inventory

—Protests received as announced in Federal Register June 18, 1980, (p. 41223), on Devil's Garden and Link Flats ISA's. Protest decision anticipated in late December 1980.

Units Under Appeal to IBLA

- —Stateline initial inventory unit 020–001 (contiguous with ID–22–1 and NV–010–164).
- —Notice of appeal filed January 24, 1980. Affects accelerated inventory

units 050–233; 060–007, 011, 012.

—Notice of appeal announced in Federal Register July 17, 1980, (p.

Federal Register July 17, 1980, (p. 47936). Affects accelerated intensive inventory unit 050–236.

Wyoming

Statewide Intensive Inventory

—Final decision announced in Federal Register November 14, 1980, (p. 75606) initiating a 30–day protest period ending December 15, 1980.

Units under Appeal to IBLA

—Three notices of appeal filed April 14, 1980. Affects OTB accelerated intensive inventory units 040–110, 221, 222, 223.

Study/Reporting

—Scab Creek ISA draft environmental impact statement and draft suitability report notice of availability, along with scheduled hearings announced in Federal Register December 9, 1980, (p. 81127).

Statistical Summary Table.—BLM Wilderness Inventory Results (Shown in Acres) as of Nov. 14, 1980

		Proposed in	Inventory completed-			
	Public lands	Not yet announced	Announced—subject to public review		final decisions announced	
Contiguous States	subject to wilderness				Lacking wil-	
	Inventory		Lacking wil- derness char- acteristics	With wil- derness char- acteristics	demess char- acteristics	Wilderness study areas
Western:			0	0	9,695,000	2,901,000
"Arizona	12,596,000	0	0	0	10.339,000	6,246,000
California	16,585,000	3.000	0	0	7,189,000	804,000
Colorado	7,996,000	252,000	0	0	10,105,000	1,592,000
Idaho	11,949,000	46.000	0	0	7,664,000	430,000
Montana	8,140,000	103.000	0	0	43,895,000	5,120,000
Nevada	49,118,000	9.000	0	0	11,814,000	1,024,000
New Mexico	12,847,000		0	0	68.000	0
North Dakota	68,000	0	0	0	7.000	0
Oklahoma	7,000	000,000	0	0	11,194,000	2,491,000
Oregon	13,965,000	280,000	0	0	277,000	
South Dakota		0	0	0	19,499,000	2,577,000
Utah	22,076,000	0	0	100	304,000	6,000
Washington			0	0		581,000
Wyoming	17,793,000	0	0		17,212,000	
Subtotal	173,727,000	693,000	0	0	149,262,000	23,772,000
Eastern: Minnesota	45,000	- 0	0	0	45,000	

¹ Includes initial inventory units under protest or appeal and where additional time is needed for interagency coordination. NOTE.—Alaska: Norwilderness Assessment of the Alaska Natural Gas Transportation System route reviewed 2,482,000 acres if public land, of which 1,474,000 acres were removed from wilderness review and interim management policy (IMP) constraints and 1,008,000 acres are subject to the IMP and further inventory at a later date. Final decision in FEDERAL REGISTER, June 2, 1980 (p. 37304).

[FR Doc. 80-39040 Filed 12-16-80; 8:45 am]

BILLING CODE 4310-84-M

[OR 25306]

Oregon; Proposed Withdrawal and Reservation of Lands; Correction

In FR Doc. 80–36783, appearing on page 78812 in the issue of Wednesday, November 26, 1980, change the description for Fish Rock to read: (T. 29 S., R. 15 W., offshore from Sec. 2) 43°05′ N., 124°25′45″ W.

Dated: December 9, 1980.

Champ C. Vaughan, Jr.,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 80-39184 Filed 12-16-80; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Endangered Species Permit; Receipt of Applications

The applicants listed below wish to be

authorized to conduct the specified activity with the indicated Endangered Species:

PRT 2-7399

Applicant: Dr. Charles Sibley, Peabody Museum of Natural History, Yale University, New Haven, CT 06520.

The applicant requests a permit to import kagu (Rhynochetos jubatus) tissue samples from an individual held in captivity in New Caledonia for scientific research.

PRT 2-7375

Applicant: Dr. Garland Pardue, Virginia Cooperative Fisheries Research Unit, USFWS, Virginia Polytechnic Institute and State University, Blacksburg, VA 24061. The applicant requests a permit to take from the wild shiny pigtoe mussels (Fusconaia edgariana) from Virginia for scientific research and enhancement of survival.

PRT 2-7380

Applicant: Oklahoma City Zoo, Oklahoma, OK 73111.

The applicant requests a permit to purchase in interstate commerce one South American tapir (*Tapirus terrestris*) from the Pocono Wild Animal Farm, Stroudsburg, Pennsylvania for enhancement of propagation and survival.

PRT 2-7382

Applicant: Finch Kingdom Junior, Avicultural Society, Irvine, CA 92714.

The applicant requests a permit to import four captive-bred Rothschild's myna (*Leucopsar rothschildi*) from Belgium for enhancement of propagation and survival.

PRT 2-7327

Applicant: National Zoological Park, Washington, D.C. 20008.

The applicant requests a permit to import four white-naped cranes (*Grus vipio*) from the Peking Zoo, Peoples Republic of China for enhancement of propagation and survival.

PRT 2-5470 (xPRT 2-6154)

Applicant: Minot Park District, Roosevelt Park Zoo, Minot, ND 58701.

The applicant requests a permit to purchase jaguars (*Panthera onca*) in interstate commerce for enhancement of propagation and survival.

PRT 2-7402

Applicant: New York Zoological Society, Bronx Zoo, New York, NY 10460.

The applicant requests a permit to export eggs shells and preserved embryos of the following crocodilian species to Dr. Mark Ferguson, Belfast, Ireland for scientific research: 1) Chinese alligator (Alligator sinensis), 2) Mugger crocodile (Crocodylus palustris), and 3) Cuban crocodile (C. rhombifer).

Humane care and treatment during transport, if applicable, has been indicated by the applicant.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 605, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish & Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on

these applications on or before January 16, 1981, by submitting written data, views, or arguments to the Director at the above address.

Dated: December 12, 1980.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office, Fish & Wildlife Service.

[FR Doc. 80-39173 Filed 12-16-80; 8:45 am]

BILLING CODE 4310-55-M

Heritage Conservation and Recreation Service

[INT FES 80-53]

Availability of Final Environmental Impact Statement

AGENCY: Heritage Conservation and Recreation Service, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given that pursuant to Section 102(2)(c) of the National Environmental Policy Act, the Heritage Conservation and Recreation Service (HCRS) has prepared a Final Environmental Impact Statement for a proposal to add five rivers of the California Wild and Scenic Rivers System to the National System. Notice of Availability of the draft environmental statement inviting comments was announced in the Federal Register on September 19, 1980, and September 23, 1980 (DES 80-59).

DATE: No final decision will be made on this proposal until thirty days from publication of a Notice by the Environmental Protection Agency.

ADDRESS: Copies are available for inspection at the following locations:

Heritage Conservation and Recreation Service, Pension Building, Room 203, 440 G Street, NW., Washington, D.C. 20243, Heritage Conservation and Recreation Service, Pacific Southwest Regional Office, 450 Golden Gate Avenue, P.O. Box 36062, San Francisco, California 94102

A limited number of single copies are available and may be obtained by writing the above offices. The Pacific Southwest Regional Office also can provide a list of library facilities in California where the statement may be read.

SUPPLEMENTARY INFORMATION: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(c)), this document analyzes the significant environmental impacts of adding five California Wild

and Scenic Rivers—the Klamath, Eel, Trinity, Smith and lower American—to the National System. The rivers would remain under State administration except for any Federal lands involved. Beneficial impacts would include preservation of natural and recreational values associated with the free-flowing condition of the rivers. Adverse impacts would include loss of timber production, tax revenue, jobs, and the possible economic benefits associated with water resource development projects which would be foregone.

The primary author of this notice is John Haubert, Heritage Conservation and Recreation Service, Department of the Interior, Washington, D.C. 20243.

Dated: December 11, 1980.

Chris T. Delaporte,

Director, Heritage Conservation and Recreation Service,

[FR Doc. 80-39148 Filed 12-16-80; 8:45 am] BILLING CODE 4310-03-M

Office of the Secretary

Central Arizona Project, Arizona, Allocation of Project Water to Indian Tribes—Correction

AGENCY: Department of the Interior, Office of the Secretary.

ACTION: Allocations of project water to Indian tribes, correction of Federal Register notice.

summary: This notice corrects typographical errors in the Notice of Allocation of Central Arizona Project Water to Indian tribes published in the Federal Register on December 10, 1980, 45 FR 81265.

SUPPLEMENTARY INFORMATION: The notice of allocation of Central Arizona Project water to Indian Tribes contained three typographical errors. The notice is hereby corrected as follows:

1. On the first table found at 45 FR 81271 of December 10, 1980, the Gila River allocation should read 173,100

rather than 173,000.

2. On page 81271, in the two paragraphs following the second table, the words "Fort McDowell" should be removed from the first sentence of the first paragraph after the words "Salt River", and before the word "Chuichu". In the second paragraph, the words "Fort McDowell," should be inserted after the words "allocation to" and before the words "San Xavier".

3. The table "Summary of Allocations and Priorities to Indian Tribes" found at 45 FR 81272 should have read as follows:

Summary of Allocations and Priorities to Indian Tribes

[Acre-feet per year]

	(A)	(B)	(0)	(B) -10 pct	
Tribe	Allocation	Portion solely for imigation	Portion for tribal homeland	Maximum irrigation base in shortage year	
Ak-Chin	58,300	58,300		52,470	
Sila River	173,100	173,100	***********	155,790	
Salt River	13,300	13,300	***************************************	11,970	
Chuichu	8,000	8,000		7,200	
ort McDowell	4,300		4,300	***************************************	
Camp Verde	1,200		1,200		
San Carlos	12,700	2,700	10,000	2,430	
San Xavier	27,000	***************************************	27,000		
Schuk Toak	10,800		10,800	***************************************	
Pascua Yakui	500		500	***************************************	
Tonto Apache	128		128		
Yavapal	500		500	***************************************	
Totals	309,828	255,400	54,428	229,860	

Dated: December 10, 1980.

Cecil D. Andrus,

Secretary of the Interior.

[FR Doc. 80–39061 Filed 12–16–80; 8/45 am]

BILLING CODE 4910-10-M

Office of Surface Mining Reclamation and Enforcement

Intent To Prepare an Environmental Impact Statement (EIS) on the Proposed Centralia Mine Fire Control Project in Columbia County, Pa.

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior.

ACTION: Notice of Intent to Prepare an EIS.

SUMMARY: OSM intends to prepare an EIS to evaluate the environmental effects of alternative actions that OSM might take in response to a major mine fire burning out of control near Centralia, Pennsylvania. Public comment is invited on the appropriate scope of the EIS.

DATE: Written suggestions and comments on the scope of the EIS should be sent to the address below by January 5, 1981.

ADDRESSES: Written statements should be mailed or hand carried to the Branch of Environmental Analysis, Office of Surface Mining, Room 5310, 1100 L
Street, NW, Washington, DC 20240. The Centralia Mine Fire file and the draft EIS preparation plan are available for public review and copying during normal working hours at the above address and the Centralia Borough Municipal Building, North Locust Avenue, Centralia, Pennsylvania 17927.

FOR FURTHER INFORMATION CONTACT: Frank Mancino, Branch of Environmental Analysis, Office of Surface Mining, 1100 L Street, NW, Washington, DC 20240 (telephone 202– 343–5287). SUPPLEMENTARY INFORMATION: The Centralia mine fire has been burning for at least 18 years in the Buck Mountain coalbed near Centralia and has been extremely difficult to control due to geologic conditions and the presence of abandoned mining operations. The continued spread of the mine fire is considered a hazard to the health and safety of the residents of Centralia and Byrnsville, Pennsylvania. OSM intends to provide funds umder Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA) to address the problems caused by the mine fire.

To comply with Section 102(2)(c) of the National Environmental Policy Act, OSM must determine and evaluate the environmental impacts of the various alternatives available to control the underground mine fire in the vicinity of the Borough of Centralia and the town of Byrnsville. To accomplish this, OSM intends to prepare an EIS. The EIS will consolidate information and analysis from a variety of existing sources and is intended to also be a complete evaluation of all viable alternatives. As such, the EIS will assist OSM in making its decision on how to control the mine fire.

A scoping process intended to raise the relevant issues to be addressed by the EIS will be undertaken by OSM. OSM welcomes any written statements on the scope of the EIS and new relevant information on the mine fire. Such statements should be submitted to OSM by January 5, 1981, in order to receive consideration in the preparation of the EIS. Following consideration of all comments received by January 5, 1981, OSM will prepare a draft EIS on the alternatives available with respect to

the fire. The public will be given the opportunity to comment on that draft before the final EIS is issued. OSM expects to complete the draft EIS in March, 1981, and have the final EIS available in July, 1981. The final decision on the action OSM will take with respect to the fire is expected to be made shortly after the completion of the final EIS.

OSM held a series of public meetings on September 29, and September 30, 1980, in Centralia. At these meetings presentations were made on the alternatives available to OSM in dealing with the mine fire, as outlined in the report Problems In The Control Of The Centralia Mine Fire, Bureau of Mines, 1980, as well as additional alternatives presented by OSM. Opportunities for public comment were provided and those comments made were recorded, noted, and will be considered in the preparation of th EIS and the final decision. Public input during the scoping process and public comments on the draft and final EIS will also be carefully considered by OSM. OSM intends to take action quickly on the alternative selected to control the fire once the EIS process is complete.

Possible alternatives that OSM will analyze in the EIS are the following:

- A. Excavation of the area of the fire
- B. Hydraulic Flush Control
- C. Pump Slurry Flushing
- D. Mine Flooding
- E. Underground Mining
- F. Water Curtain Barrier
- G. Relocation of Community
 - H. Burnout Control
 - I. No Action

Other alternatives may be added to the EIS as a result of the scoping process.

Dated: December 11, 1980.

Toney Head, Jr.,

Acting Director, Office of Surface Mnining.
[FR Doc. 80–99076 Füed 12–16–80; 8:45 am]
BILLING CODE 4310–05-M

Water and Power Resources Service

O'Neill Unit, Nebraska; Public Hearing on Draft Supplement No. 2 to the Final Environmental Statement

A public hearing will be held in O'Neill, Nebraska, by Water and Power Resources Service to receive comments on the draft supplement No. 2 to the final environmental statement for the O'Neill Unit, Pick-Sloan Missouri Basin Program, Nebraska. Supplement No. 2 was filed with the Environmental Protection Agency on December 12, 1980.

The final environmental statement (INT FES 72–34) and first supplement (INT FES 78–11) were filed in 1972 and 1978, respectively, in compliance with the National Environmental Policy Act of 1969.

The draft supplement No. 2 analyzes the geologic stability, an agricultural research alternative, and the placement of fill material associated with the authorized O'Neill Unit.

The geologic stability and agricultural research alternative analyses are in response to an April 16, 1979 court order issued by the United States District Court of Nebraska, in Civil Action No. 75-L-96.

The order specifically directed Water and Power to analyze geologic stability and an agricultural research alternative which were found to be inadequately addressed in previous environmental documents.

documents.

The geologic stability analysis (1) describes subsurface geologic conditions at the site, (2) evaluates risks associated with these conditions, and (3) evaluates how these risks and/or conditions can reasonably be dealt with.

The research alternative consists of: 1. Review of literature to determine presently available technology to improve livestock and crop production

with and without irrigation.

2. Existing use and extent of agricultural technology in 5-county area and the results of that technology on livestock and crop production and ground-water consumption.

3. The impact on livestock and crop production and ground-water consumption within 5-county area by application of present and foreseeable luture technologies in place of the proposed project.

4. A comparison between 2 and 3.

5. A comparison of 3 to the probable impact of the project without the

research alternative.

The draft supplement No. 2 also addresses the impacts of the placement of fill materials during the construction of the O'Neill Unit. These impacts are contained in an attached Section 404(b) Evaluation Report to provide compliance with the Federal Water Pollution Control Act, as amended. By including this information and submitting the final environmental statement and the supplements thereto to the Congress prior to an appropriation of funds for construction requiring a permit, the Service will qualify for an exemption from the 404 permit process pursuant to Section 404(r) of the Clean Water Act (Pub. L.

The hearing will be held at the First National Bank Building on January 21, 1981, starting at 10 a.m. and continuing until all oral comments are heard. Hearing witnesses will be allowed 10 minutes to present their oral comments.

Speakers will not be allowed to trade or consolidate the time in order to obtain a longer oral presentation; however, the Hearing Officer may allow a speaker to provide additional oral comments after scheduled witnesses have been heard. Additional comments will be limited to 10 minutes.

Persons wishing to make oral statements will be scheduled in the order that written or telephone requests are received unless a specific time period is requested. If a speaker requests a specific time period, the speaker will be scheduled to speak as close to the requested time as possible. Scheduled speakers not present when called will lose their privilege in the scheduled order, and their names will be recalled after all other scheduled speakers have been heard.

Individuals and organizations wishing to make oral statements should contact the Lower Missouri Regional Office, Water and Power Resources Service, Building 20, Denver Federal Center, Denver, Colorado 80225, telephone (303) 234-3779, by letter or telephone. Requests for scheduled presentations will be accepted until 4 p.m. on January 19, 1981. Speaking requests received subsequent to that time will be handled on a first come, first served basis following the scheduled presentations. Written comments from those unable to attend and those wishing to supplement their oral presentations will be accepted for the record until 4 p.m. February 2, 1981. Written comments should be addressed to the Regional Director at the address listed above and should specify that they are to be included in the hearing record.

Dated: December 12, 1980. Orrin Ferris,

Acting Commissioner.

[FR Foc. 80-39153 Filed 12-16-80; 8:45 am] BILLING CODE 4310-09-M

[INT DES 80-77]

O'Neill Unit, Pick-Sloan Missouri Basin Program, Nebraska; Availability of Draft Supplement No. 2 to the Final Environmental Statement

The Department of the Interior has prepared a draft supplement No. 2 to the final environmental statement for the authorized O'Neill Unit, Nebraska. The first supplement designated INT FES 78–11 was filed with the Environmental Protection Agency on June 16, 1978. The final environmental statement,

designated as INT FES 72–34, was filed with the Council on Environmental Quality on September 22, 1972. Both documents were distributed to the public on the filing dates.

This draft supplement No. 2 addresses geologic stability and an agricultural research alternative pursuant to a court order issued by the United States District Court of Nebraska in Civil Action No. 75-L-96, dated April 16, 1979. In addition, supplement No. 2 addresses the impacts of the placement of fill materials during the construction of the O'Neill Unit. The impacts of the placement of fill are contained in an attached Section 404(b) Evaluation Report to provide compliance with the Federal Water Pollution Control Act, as amended. Written comments may be submitted to the Regional Director (address below) by February 10, 1981.

Copies of draft supplement No. 2 and technical appendices; the final supplement to the final environmental statement dated June 16, 1978; and the final environmental statement dated September 22, 1972, are available for inspection at the following locations: Director, Office of Environmental

Affairs, Department of the Interior, Water and Power Resources Service, Room 7622, Interior Building, Washington D.C. 20240, Telephone: (202) 343–4991.

Library Branch, Division of Management Support, Engineering and Research Center, Room 450, Building 67, Denver Federal Center, Denver CO 80225. Telephone: (303) 234–3019.

Regional Director, Water and Power Resources Service, Lower Missouri Region, Room E2418, Building 20, Denver Federal Center, Denver CO 80225, Telephone: (303) 234–3779.

Central Nebraska Projects Office, Water and Power Resources Service, Second and Locust Streets, Grand Island NE 68801. Telephone: (308) 382–3680.

Project Manager, Kansas River Projects Office, Water and Power Resources Service, 1706 West Third Street, PO Box 737, McCook NE 69001. Telephone: (308) 345–4400.

Federal Agencies

Heritage Conservation and Recreation Service (formerly the Bureau of Outdoor Recreation)—Denver, Colorado.

Fish and Wildlife Service—Denver, Colorado, and Pierre, South Dakota. National Park Service—Omaha, Nebraska.

Soil Conservation Service, Area Office—Broken Bow, Nebraska. Environmental Protection Agency— Kansas City, Missouri.

Corps of Engineers—Omaha, Nebraska. State Agencies

Nebraska Office of Planning and Programming (State Clearing House)— Lincoln, Nebraska.

County Commissioners—Cherry, Keya Paha, Holt, Brown, Rock.

Cities

Office of the Mayor—Springview, Nebraska.

Libraries in Nebraska

Kearney State College, Bassett. Chadron State College, Norfolk, Wayne State College, Stuart. University of Nebraska at Omaha, Grand Island and Omaha.

University of Nebraska at Lincoln, Lincoln and Ainsworth.

O'Neill. Atkinson. Valentine.

Copies of the draft supplement No. 2 to the final environmental statement, and the final environmental statement may be obtained on request from the Director, Office of Environmental Affairs or the Regional Director at the addresses listed above at no charge. There is a charge of \$10 per copy for appendices A and B to the supplement No. 2.

Dated: December 12, 1980 Orrin Ferris, Acting Commissioner. [FR Doc. 80-39152 Filed 12-16-80; 8:45 am] BILLING CODE 4310-09-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Housing Guaranty Program for Peru; Information for Lenders

The Agency for International Development (A.I.D.) has authorized a guaranty of a loan in an amount not to exceed Fifteen Million Dollars (\$15,000,000) to finance a low income housing project in Peru. Eligible investors as defined below are invited to make proposals to the Housing Bank of Peru (borrower). The full repayment of the loan will be guaranteed by A.I.D. The A.I.D. guaranty will be backed by the full faith and credit of the United States of America and will be issued pursuant to authority in Section 222 of the Foreign Assistance Act of 1961, as amended (the Act).

This project is referred to as Project

No. 527-HG-010.

Lenders (investors) eligible to receive an A.I.D. guaranty are those specified in Section 238(c) of the Act. They are: (1) U.S. citizens; (2) domestic U.S. corporations, partnerships, or associations substantially beneficially owned by U.S. citizens; (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens; and (4) foreign partnerships or associations wholly owned by U.S. citizens.

Selection of an eligible investor and the terms of the loan are subject to approval by A.I.D. The investor and A.I.D. shall enter into a Contract of Guaranty, covering the loan. Disbursements under the loan will be subject to certain conditions required of the borrower by A.I.D. as set forth in an implementation agreement between A.I.D. and the borrower.

To be eligible for guaranty, the loan must be repayable in full no later than the thirtieth anniversary of the first disbursement of the principal amount thereof and the interest rate may be no higher than the maximum rate established from time to time by A.I.D.

The borrower desires to receive proposals from eligible investors as defined above. The borrower desires proposals containing two alternative disbursement schedules. One schedule should project a single disbursement during March 1981. The other schedule should project a disbursement of \$3 million during March, 1981, two subsequent disbursements of \$2 million each by July and November of 1981, and three disbursements of \$2 million each by February, June and October of 1982 and final disbursement of \$2 million by February, 1983. A proposal containing only one of these schedules is acceptable. Since investor selection will be made on the basis of the proposals. the proposals should contain the best terms to be offered by investors. The proposals should state:

A. The fixed interest rate per annum for a period not to exceed thirty (30) years from the first disbursement.

B. The grace period for repayment of pincipal; such period not to exceed ten (10) years.

C. The minimum time, if any, during which prepayment of principal by the borrower will not be accepted.

D. The investor's commitment or service fee, if any, and schedule of payments of such fee.

E. The period during which the proposal may be accepted which shall be at least forty-eight (48) hours after the closing date specified below.

The proposal may state other terms and conditions which the investor desires to specify. After investor selection by the borrower and approval by A.I.D., the borrower and investor shall negotiate all other terms and conditions of the Loan Agreement.

In the event the investor will engage in the reselling of the loan to other persons, the investor must provide for the servicing of his loan, i.e., recordation and disposition of loan payments received from the borrower.

The closing date by which prospective investors are requested to submit proposals to the borrower is by 4:30 p.m. (EST) on Tuesday, January 13, 1981. Negotiation of the Loan Agreement and Contract of Guaranty is expected to take place in Washington, D.C. in February, 1981.

Eligible investors are invited to consult promptly with the borrower. Those investors interested in extending a loan to the borrower should communicate with the borrower at the following address: Mr. Oscar Bauer Cortrina, General Manager, Housing Bank of Peru, P.O. Box No. 5425, Lima 1, Peru; Telephone No. 28–61–31, Telex No. 20077 PE-BVP.

Telex and telephone communication should be followed by letter.

Information as to the eligibility of investors and other aspects of the A.I.D. housing guaranty program can be obtained from: Director, Office of Housing, Agency for International Development, Room 625, SA/12, Washington, D.C. 20523; Telephone: (202) 632–9637.

To facilitate A.I.D. approval, copies of proposals made to the borrower may, at the investor's option, be sent to A.I.D. at the above address on or after the closing date noted above.

This notice is not an offer by A.I.D. or by the borrower. The borrower and not A.I.D. will select an investor and negotiate the terms of the proposed loan. David McVoy.

Assistant Director for Operations, Office of Housing.

December 15, 1980.

[FR Doc. 80-39366 Filed 12-16-80 8:45 am] BILLING CODE 4710-02-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-92]

Certain Airtight Wood Stoves; Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

summary: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on October 16, 1980, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of Energy Harvesters Corp., P.O.

Box 19, Fitzwilliam, N.H. 03447. An amended complaint was filed on November 13, 1980. The amended complaint (hereinafter referred to as the complaint) alleges unfair methods of competition and unfair acts in the importation of certain airtight wood stoves into the United States, or in their sale, by reason of such stoves' infringing complainant's common law trademark rights, being passed off as complainant's product, being deceptively advertised and marketed, and infringing the single claim of U.S. Letters Patent Des. No. 253,189. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests that, after a full investigation, a permanent exclusion of the imports in question be ordered.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in § 210.12 of the Commission's Rules of Practice and Procedure.

scope of the investigation: Having considered the complaint, the U.S. International Trade Commission, on December 5, 1980, ordered that—

- (1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930 [19 U.S.C. 1337(b)), an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain airtight wood stoves into the United States, or in their sale, by reason of such stoves' infringing complainant's common law trademark rights, being passed off as complainant's product, being deceptively advertised and marketed, and infringing the single claim of U.S. Letters Patent Des. No. 253,189, the effect or tendency of which is to substantially injure an industry, efficiently and economically operated, in the United States;
- (2) For the purpose of this investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:
 - (a) The complainant is—

Energy Harvesters Corp., P.O. Box 19, Fitzwilliam, N.H. 03447

(b) The respondents are the following companies allegedly engaged in the unlawful importation of such articles into the United States, or in their sale, and are parties upon which the complaint is to be served:

Oriental Kingsworld Industrial Co., Ltd., P.O. Box 26–333, Taipei, Taiwan Franklin Cast Products, Inc., 1800 Post Road, 17 Airport Plaza, Warwick, R.I. 02886 Unity Buying Service Co., Hicksville, N.Y. 11802

(c) For the purpose of the investigation so instituted, John Milo Bryant, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, is hereby named Commission investigative attorney, a party to this investigation; and

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall designate the presiding officer.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to §§ 201.16(d) and 210.21(b) of the rules, such responses will be considered by the Commission if received not later than twenty (20) days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good and sufficient cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint in the complaint and this notice and to enter both a recommended determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT:

John Milo Bryant, Commission investigative attorney, Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202–523–0440.

Issued: December 11, 1980. By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-39195 Filed 12-16-80; 8:45 am]

[Inv. No. 337-TA-52]

Certain Apparatus for Continuous Production of Copper Rod; Denial of Request To Reopen and Vacate Advisory Opinion

AGENCY: U.S. International Trade Commission.

ACTION: Denial of Southwire Company's request to reopen and vacate the Commission advisory opinion issued on July 14, 1980.

SUPPLEMENTARY INFORMATION: On October 9, 1980, Southwire Company, complainant in investigation No. 337-TA-52, Certain Apparatus for the Continuous Production of Copper Rod, filed a petition asking the Commission to reopen and vacate its advisory opinion regarding the cease and desist order issued on November 23, 1979. involving U.S. Letters Patent 3,317,994. The petition to reopen and vacate the advisory opinion was opposed by Krupp G.m.b.H. and Krupp International, Inc., respondents in the Commission investigation. On December 5, 1980, the Commission voted to deny Southwire's

FOR FURTHER INFORMATION CONTACT: Jeffrey Neeley, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E St. NW., Washington, D.C. 20436, telephone 202– 523–0359.

Issued: December 10, 1980. By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-39196 Filed 12-16-80; 8:45 am] BILLING CODE 7020-02-M

[Investigation No. 337-TA-81]

Certain Hollow Fiber Artificial Kidneys; Request for Comments Concerning Settlement Agreement

AGENCY: United States International Trade Commission.

ACTION: Request for public comment on proposed settlement agreement.

SUMMARY: This settlement agreement would result in termination of this investigation. This notice requests public comment on the agreement on or before January 16, 1981.

DATES: Comments will be considered if received on or before January 16, 1981. Comments should conform with § 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8) and should be addressed to Kenneth R. Mason, Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

SUPPLEMENTARY INFORMATION: In connection with the Commission's investigation, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), of alleged unfair methods of competition and unfair acts in the importation or sale of certain hollow fiber artificial kidneys in the United States, respondents Terumo Kabushiki Kaisha, Terumo Corporation, and Terumo American, Inc. (hereafter Terumo) and complainant Cordis Dow Corp., jointly requested the Commission on October 29, 1980, to terminate the investigation on the basis of a license agreement between Terumo and Cordis Dow. The Commission investigative attorney joined in the request to terminate. The license agreement between Terumo and Cordis Dow contains confidential business information which may not be publicly disclosed. However, the essence of the agreement, which is described in the motion to terminate, is that Terumo obtains a non-exclusive sub-license under U.S. Letters Patent 3,228,876, permitting it to import and sell devices in the United States, including hollow fiber artificial kidneys, used in the fields of hemodialysis and oxygenation, which are covered by any or all of the claims of the patent in controversy. Copies of the motion to terminate are available for inspection by interested persons in the Office of the Secretary to the Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

written comments requested: In light of the Commission's duty to consider the public interest, the Commission requests written comments from interested persons and agencies concerning the effect of the termination of this investigation based on the license agreement upon (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the production of like or directly competitive articles in the United States, and (4) U.S. consumers. Notice of this investigation was published in the Federal Register of April 2, 1980 (44 FR 21752).

ADDITIONAL INFORMATION: The original and 19 true copies of all written submissions must be filed with the Secretary to the Commission. Any person desiring to submit a document (or a portion thereof) to the Commission in confidence must request in camera treatment. Such request should be directed to the Secretary and must include a full statement of the reasons why the Commission should grant such treatment. The Commission will either accept such submission in confidence or return it. All nonconfidential written

submissions will be open to public inspection at the Office of the Secretary.

FOR FURTHER INFORMATION CONTACT: Scott Daniels, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436; telephone 202– 523–0480.

Issued: December 12, 1980.
By order of the Commission.
Kenneth R. Mason,
Secretary.
[FR Doc. 80-39199 Filed 12-16-80, 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 337-TA-80]

Certain Plastic Bouquet Holders; Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Termination of investigation based on the issuance of a consent order.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has approved and issued a consent order (published in the Federal Register of October 8, 1980, 45 FR 66927) in the above-entitled investigation, thereby terminating the investigation as to all respondents.

AUTHORITY: The authority for Commission disposition of this matter is contained in section 337 of the Tariff of 1930 (19 U.S.C. 1337) and in § 210.55 of the Commission's Rules of Practice and Procedure (19 CFR 210.55).

SUPPLEMENTARY INFORMATION: On February 19, 1980, the U.S. International Trade Commission instituted an investigation to determine whether there is a violation of section 337(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1337(a)), in the importation into the United States of certain plastic bouquet holders, or in their sale, by reason of the alleged infringement of claims 1 through 4 of U.S. Letters Patent 3,576,699, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States. Notice thereof was published in the Federal Register of March 5, 1980 (45

On April 30, 1980, all parties to the investigation filed a joint motion (motion 80-1) to terminate the investigation on the basis of a "consent order agreement," which was submitted with the motion, as provided in § 210.51(a) of the Commission's Rules of Practice and Procedure (19 CFR 210.51(a)).

On May 19, 1980, the presiding officer issued a Recommended Determination,

pursuant to § 210.53(a) of the Commission's Rules of Practice and Procedure (19 CFR 210.53(a)), that the investigation be terminated, based on the "consent order agreement."

On July 21, 1980, counsel for the complainant submitted a letter to the Commission in which the complainant acquiesced in the disposal by respondents of their remaining inventory. He further stated that the complainant had no objection to the inclusion of that letter as part of the proposed settlement agreement.

On September 9, 1980, all parties to the investigation submitted a "Joint Motion to Amend the Consent Order Agreement," which would have the effect of substituting new language for paragraph 5 of the proposed consent order.

The Commission amended paragraph 6 of the proposed consent order to conform to the proposed amended language of paragraph 5, and by adding a new paragraph (paragraph 9) to deal with inventories. The Commission then ordered publication of the amended consent order for public comment.

On October 8, 1980, notice of the proposed consent order and a request for public comment was published in the Federal Register (45 FR 66927). By the terms of the notice, all comments and requests for oral arguments or oral presentation were to be received by the Secretary no later than November 7, 1980. Copies of the Commission action and order, the notice, and the proposed amended consent order were served on each of the parties by certified mail. The Commission received no comment opposed to the proposed consent order.

Copies of the Commission's Action and Order and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT:

Jack Simmons, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0493.

Issued: December 9, 1980. By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 60-39197 Filed 12-16-80; 8:45 am] BILLING CODE 7020-02-M (Investigation No. 337-TA-78)

Certain Poultry Disk Picking Machines and Components Thereof; Request for Public Comment

AGENCY: United States International Trade Commission.

ACTION: Request for public comment on the proposed termination of the investigation on the basis of the parties' settlement agreement.

SUMMARY: The complainant has filed a motion to terminate this investigation by reason of the parties' amicable settlement of all matters in controversy. In determining whether to grant the motion, the Commission must consider the effect that termination on the basis of the agreement would have upon the public.

SUPPLEMENTARY INFORMATION: This investigation was instituted on February 27, 1980 (45 FR 12932), following receipt of a complaint filed on behalf of Stork-Gamco, Inc., a manufacturer and distributor of poultry processing apparatus. The complaint, as amended, alleged the violation of section 337(a) of the Tariff Act of 1930 with respect to the importation into the United States and sale of certain poultry disk picking machines which are alleged to infringe claims 3, 6, and 8 of U.S. Letters Patent 3,197,809. As the owner of the aforesaid patent, the complainant sought an order excluding the allegedly infringing imports from entry into the United States. Two parties were named as respondents: Machinefabriek Meyn, B.V., a Dutch manufacturer and distributor of poultry processing apparatus, and Meyn, USA, Inc., the exclusive distributor of Meyn products in the United States.

Prior to and concurrently with the Commission's investigation, the parties had been engaged in a civil suit filed in District Court of the United States for the Northern District of Georgia. That case involved the same subject matter and allegations similar to those being investigated by the Commission, namely patent validity, infringement, and misuse, antitrust violations, and damages. From March 3, 1980, through March 6, 1980, the court conducted a trial on the issues of patent validity and infringement. On March 7, 1980, the court ruled from the bench that U.S. Letters Patent 3,197,809 was valid and that the machines manufactured and sold by the respondents do not infringe claims, 3, 6, and 8 of that patent.

Following issuance of the court's written decision on June 4, 1980, the complainant and the respondents entered a written settlement agreement

providing that the complainant would not appeal the court's decision, that it would withdraw the complaint filed with the Commission in order to terminate the investigation, and that the complainant would not sue the respondents on any cause of action related thereto. The respondents in turn agreed not to file any counterclaim in the pending court case and not to sue the complainant on any related cause of action. The remaining provision of the agreement is that all parties agree that all matters in controversy before the court and before the Commission are settled and ended.

As a result of this agreement, the complainant filed a motion (Docket No. 78-3) on September 8, 1980, requesting termination of the Commission's investigation. The motion was signed by all parties, including the Commission investigative attorney, who also filed written comments in support of the motion. On September 12, 1980, the presiding officer issued a recommended determination that the investigation be terminated on the basis of the motion and settlement agreement.

COMMENTS SOUGHT: Pursuant to its obligation to safeguard the public interest in the conduct of these proceedings, the Commission hereby requests written comments concerning the impact that termination on the basis of the agreement would have upon the public. The Commission is especially interested in receiving comments concerning the effect that the proposed termination would have on the public health and welfare, competitive conditions in the U.S. economy, the production of articles which are like or or are directly competitive with the poultry disk picking machines which are the subject of this investigation, and the U.S. consumers. Any person or organization may submit comments on the foregoing concerns as well as any other public interest factors which should be considered in connection with the proposed termination of this investigation.

INSTRUCTIONS FOR SUBMISSION: In order to receive Commission consideration, all comments must be submitted in writing. A signed original and nineteen (19) true copies of each submission must be filed with the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, D.C. 20436, on or before January 16, 1981.

Any submission of information for which confidential treatment is desired shall be submitted separately from other documents. The envelope and all pages of such submissions must be clearly labeled "confidential information."

Requests for confidential treatment and all confidential submissions must conform to the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6).

additional information: All written submissions (except for confidential information), the settlement agreement, and all other public documents on the record in this investigation, will be available for public inspection during official business hours (8:45 a.m. to 5:15 p.m.) at the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Phyllis N. Smithey, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Room 224, Washington, D.C. 20436; telephone 202–523–0321.

Issued: December 11, 1980. By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 80–39198 Filed 12–18–80; 8:45 am] BILLING CODE 7020–02-M

[Investigation No. 751-TA-3]

Potassium Chloride From Canada; Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Initiation of an investigation under section 751(b) of the Tariff Act of 1930.

SUMMARY: This action initiates an investigation under section 751(b) of the Tariff Act of 1930, 93 Stat. 175 (to be codified at 19 U.S.C. 1675(b)), to determine whether changed circumstances exist which indicate that an industry in the United States would not be threatened with material injury if the antidumping finding concerning potassium chloride (provided for in item 480.50 of the Tariff Schedules of the United States (TSUS)) from Canada were revoked.

In November 1969, the Commission determined that an industry in the United States was being injured by reason of the importation from Canada of potassium chloride that was being, or was likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921. Sales by U.S. Borax & Chemical Co. were excluded from the Department of Treasury's determination of less than fair value (LTFV) sales in August 1969. Subsequent to Treasury's December 19, 1969 finding of dumping with respect to potassium chloride from Canada, the following

companies have been excluded from the dumping finding after determinations by Treasury that sales of each of these firms have not been at LTFV and assurances from each firm that future sales of potassium chloride to the United States will not be made at LTFV: AMAX Potash Ltd.; Brockville Chemical Industries, Ltd.; Central Canada, Potash Co., Ltd.; Cominco, Ltd.; CF Industries, Inc.; Duval Corp. of Canada; Hudson Bay Mining and Smelting Co., Ltd.; International Minerals and Chemical Corp.; Kalium Chemicals, Ltd.; Potash Company of America: Potash Company of Canada; Potash Company of Saskatchewan; Swift Canadian Co., Ltd. Revocation of the antidumping finding would not affect these assurances. An application for a review of the Commission's determination was filed with Commission by Texasgulf, Inc., on August 1, 1980. On the basis of the application, the Commission voted on December 11, 1980, to institute an investigation pursuant to section 751(b) of the Tariff Act of 1930 and § 207.45 of the Rules of Practice and Procedure (19 CFR 207.45).

DATE: The 120-day statutory period for this investigation began to run on December 11, 1980, the date of institution. The deadline for the Commission's determination is April 9, 1981.

FOR FURTHER INFORMATION CONTACT: Daniel F. Leahy, U.S. International Trade Commission, 202–523–1369.

SUPPLEMENTARY INFORMATION: Proposed rule change. Participants in the investigation should be aware that the Commission voted on August 6, 1980, to amend § 207.45 of the Rules of Practice and Procedure which implements section 751 of the Tariff Act of 1930. The proposed revision was published for comment at 45 F.R. 54086 (Aug. 14, 1980). If the amended rule becomes final during the conduct of this investigation, it will have the effect of a change in the form of the Commission's determination in this investigation. In the event that the Commission were to adopt the proposed amendment, the Commission would determine whether an industry in the United States would be materially injured, or would be threatened with material injury, or the establishment of an industry in the United States would be materially retarded, by reason of imports of potassium chloride provided for in TSUS item 480.50 from Canada if the antidumping order were revoked.

Public Hearing.—Any person with an interest in this investigation may request in writing that the Commission hold a public hearing in connection with this investigation. Any such request must be

received by the Commission within two weeks of the date of publication of this notice of investigation in the Federal Register.

Written Submissions.—Any person may submit to the Commission on or before March 4, 1981, written statements of information pertinent to the subject matter of the investigation. A signed original and nineteen true copies of such statements must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Rules of Practice and Procedure [19 CFR 201.6]. All written submissions except business confidential data, will be available for public inspection.

Issued: December 12, 1980. By order of the Commission.

Kenneth R. Mason, Secretary.

[FR Doc. 80-39220 Filed 12-16-80; 8:45 am] BILLING CODE 7020-02-M

[Investigation No. AA1921-66A Subsequently Renumbered as 751-TA-2]

Television Receiving Sets From Japan; Indefinite Postponement of Administrative Deadline

AGENCY: U.S. International Trade Commission.

ACTION: Waiver of time limit and indefinite postponement of administrative deadline in this investigation.

SUMMARY: This action indefinitely postpones the administrative deadline in this investigation under section 751(b) of the Tariff Act of 1930, 19 U.S.C. 1675(b), to determine whether changed circumstances exist which indicate that an industry in the United States would not be threatened with material injury if the antidumping finding concerning television receiving sets from Japan were revoked. The investigation was initiated on September 16, 1980. The notice, which set the deadline for the Commission's determination as January 13, 1981, was published in the Federal Register on September 25, 1980. [45 FR 63579) The Commission does not have sufficient information to make a decision on this matter. The Commission, therefore, has waived this time limit and indefinitely postpones the administrative deadline until a sufficient number of purchasers and importers respond to the Commission's

questionnaries to provide the Commission with adequate information to enable it to make an informed determination.

EFFECTIVE DATE: December 11, 1980.

FOR FURTHER INFORMATION CONTACT: Daniel F. Leahy, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C., 20436, 202–523–1369.

SUPPLEMENTARY INFORMATION: The Commission has found that information considered essential to the conduct of this investigation is being withheld. Questionnaire responses were due to be returned to the Commission by November 12, 1980. Because of the detailed nature of these questionnaries and the limited resources of many respondents as they enter their Christmas selling season, many time extensions were requested by respondents and granted by the staff. The latest extensions expired November 28, 1980. A number of importers and purchasers, however, have still not responded. The Commission believes it does not have adequate pricing data necessary to undertake a price comparison and to make an informed determination in this matter.

Section 751(b) of the Tariff Act of 1930, 19 U.S.C. 1675(b), does not provide for a statutory deadline. The Commission's rule and notice of investigation provide the only deadlines in this matter. All review investigations conducted under 19 CFR 207.45 shall be completed within 120 days as set forth in Subpart C of the rules. 19 CFR 207.45(b). The Commission has the authority to waive its own rules when in its judgment there is good and sufficient reason, 19 CFR 201.4(b), and § 207.8 of the Commission's rules, 19 CFR 207.8, specifically provides that whenever a person refuses to produce information requested in a timely manner and in the form required, or otherwise significantly impedes an investigation, the Commission may waive any time limitations set forth in its rules in order to obtain needed information.

Thus the Commission hereby waives its 120 day time limitation and postpones the investigation until it receives adequate information to make an informed determination. If the Commission does not receive the necessary information in the near future, it may at that time consider sending supplementary questionnaries to producers, importers, and purchasers every ninety days, seeking court enforcement of its subpoenas, or drawing inferences adverse to recipients of questionnaries who do not respond.

Issued: December 12, 1980.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-39219 Filed 12-18-80; 8-45 am] BILLING CODE 7020-02-M

INTERSTATE COMMERCE

IAB 18 (SDM)*]

Chessie System; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Chessie System and its subsidiaries, has filed with the Commission its amended color-coded system diagram map in docket No. AB 18 (SDM). The Commission on November 25, 1980, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map also be requested from the railroad at a nominal charge. The maps may also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 18 (SDM).

Agatha L. Mergenovich,

Secretary.

FR Doc. 80-39158 Filed 12-16-00; 8:45 am]

Long-and-Short-Haul Application for Relief (Formerly Fourth Section Application)

December 11, 1980.

This application for long-and-shorthaul relief has been filed with the I.C.C.

Protests are due at the L.C.C. within 15 days from the date of publication of the notice, 43882, Southwestern Freight Bureau, Agent (No. B-100), reduced rates on Cement and related articles, from Stonetown, TX, to points in the Southern Territory, as published in Items 1400-A, Supplement No. 4 to tariff ICC SWFB 4741-B. Grounds for relief—Market Competition.

By the Commission
Agatha L. Mergenovich,
Secretary.

IFR Doc. 80-39159 Filed 12-16-50, 8:45 ami

[AB 124 (SDM)]

BILLING CODE 7035-01-M

Waterloo Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Waterloo Railroad Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 124 (SDM). The Commission on December 8, 1980, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section Dockets, by requesting docket No. AB 124 (SDM).

Agatha L. Mergenovich.

Secretary.

[FR Doc. 80-39157 Filed 12-16-80; 8:45 am] BILLING CODE 7035-01-M

Motor Carrier Finance Applications; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932. We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed on or before January 7, 1981. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consumated or that an extension of time for consumation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect

By the Commission, Review Board Number 5, The Motor Carrier Board, Members Krock, Williams, and Taylor.

MC FC-78608. By decision of November 14, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the transfer to MUSTANG TRUCKING INC., of Manson, WA, of Certificate No. MC-145256 (Sub-No. 1F) issued October 14, 1980 to LKM COMPANY, INC., of Seattle, WA, authorizing the transportation of (1) wearing apparel, and (2) materials, equipment, and supplies used in the manufacture of wearing apparel (except commodities in bulk), between points in Washington and Utah, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Applicants' representative is: Jack R. Davis, Eart, Allison, Davis & Baldwin, 1100 IBM Building, Seattle, WA 68101.

MC 78749. By decision of September 17, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board No. 5 approved the transfer to Super Truckers, Incorporated, Fairfield, AL, of Permits No. MC-145850F, issued November 1, 1979, and Sub 2F and 5F, both issued July 24, 1980, to Malcolm Humphreys, d/ b/a Humphreys Trucking, Prattville, AL, authorizing the transportation of (1) paper and paper articles (except commodities in bulk), from the facilities of Union Camp Corporation, at or near Prattville, AL, to points in Alabama, Mississippi, Georgia, Tennessee, South Carolina, North Carolina, Virginia, Florida and Kentucky; and (2) materials. equipment and supplies used in the manufacture or distribution of paper and paper articles (except commodities in bulk), from points in the destination

^{&#}x27;AB 18 (SDM), The Chesapeake and Ohio Railway Company, AB 19 (SDM), the Baltimore and Ohio Railway Company and AB 69 (SDM), the Western Maryland Railway Company.

territory specified in (1) to the facilities of Union Camp Corporation, at or near Prattville, AL, under continuing contract(s) with Union Camp Corporation, of Wayne, NJ; such commodities as are dealt in or used by a manufacturer of clothing (except commodities in bulk), from Lanett and Opelika, AL, and Anderson, SC, to the facilities of Ditto Apparel of California, Inc., at or near (a) San Fernando, CA, and (b) Colfax and Leesville, LA, under a continuing contract(s) with Ditto Apparel of California, Inc., of San Fernando, CA; and (1) prefabricated buildings, knocked down, and iron and steel articles (except in bulk), from the facilities of OSI, Inc., at or near Montgomery, AL, to points in the United States (except Alaska and Hawaii); and (2) commodities used in the manufacture, installation or distribution of prefabricated buildings, and iron and steel articles (except in bulk), from points in the United States (except Alaska and Hawaii), to the facilities of OSI, Inc., at or near Montgomery, AL. Transferee holds no permanent authority from the Commission. Application seeking temporary authority has been filed. Applicants' representative is: William P. Jackson, Jr., Post Office Box 1240, Arlington, VA 22210.

MC-FC-78769. By supplemental decision of November 19, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 5 approved the transfer to The Unlimited, Inc. doing business as Unlimited Trucking of Louisville, KY of Certificate No. MC-142977 issued July 25, 1979 to Hoosier Freight Lines, Inc., of Louisville, KY, authorizing the transportation of: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, building and excavating contractors' equipment, mining and road building equipment, and those requiring special equipment), Between Pekin, IN, and junction IN Hwy 60 and Interstate Hwy 65, serving the intermediate points of Borden, IN, and serving junction IN Hwy 60 and Interstate Hwy 65 for the purpose of joinder only: From Pekin over IN Hwy 60 to junction Interstate Hwy 65, and return over the same route. Between junction IN Hwy 60 and Interstate Hwy 65 and junction U.S. Hwy 31E and Interstate Hwy 65, serving no intermediate points, and serving the termini for the purpose of joinder only: From junction IN Hwy 60 and Interstate Hwy 65 over IN Hwy 60 to junction U.S. Hwy 31E and Interstate Hwy 65, and return over the

same route. Between junction Interstate Hwy 65 and IN Hwy 60 and junction Interstate Hwy 65 and U.S. Hwy 31E, serving no intermediate points and serving the termini for the purpose of joinder only: From junction Interstate Hwy 65 and IN Hwy 60 to U.S. Hwy 31E, and return over the same route. Between junction Interstate Hwy 65 and U.S. Hwy 31E and Louisville, KY, serving no intermediate points and serving junction Interstate Hwy 65 and U.S. Hwy 31E for the purpose of joinder only: From junction Interstate Hwy 65 and U.S. Hwy 31E over Interstate Hwy 65 to Louisville, and return over the same route. Applicants' representative is: James K. Stayton, 3008 Preston Highway So., Louisville, KY 40217. TA application has not been filed.

MC-FC-78783. By decision of November 13, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the transfer to RED K TRANSPORT, INC., of 2345 Peach Tree, Cape Girardeau, MO 63701, a portion of Certificate No. MC-3062 (Sub-No. 39) issued November 6, 1979 to INMAN FREIGHT SYSTEM, INC., of 321 North Spring Ave., Cape Girardeau, MO 63701, authorizing the transportation of: Packing House Products From St. Louis, MO and East St. Louis, IL to points in that part of Illinois beginning at East St. Louis and extending in an easterly direction along U.S. Highway 40 to Effingham, thence in a northerly direction along U.S. Highway 45 to Urbana, thence in a westerly direction along U.S. Highway 150 to Galesburg, thence in a westerly direction along U.S. Highway 34 to Monmouth, and thence in a southerly direction along U.S. Highway 67 to East St. Louis, including points on the indicated portions of the highway specified and return, Between St. Louis, MO and East St. Louis, IL on the one hand, and, on the other, Chicago, IL. Fresh meats and packinghouse products From Taylorville, IL, to points in that part of Illinois bounded on the south by a line extending from the Illinois-Kentucky State line over Illinois Highway 13 to East St. Louis, IL, bounded on the west by the Mississippi River from East St. Louis, IL, to Alton, IL, thence along U.S. Highway 67 to Monmouth, IL, and bounded on the north by a line extending from Monmouth, IL, over U.S. Highway 150 to Bloomington, IL, thence over Illinois Highway 9 to the Illinois Indiana State line, including points portion of the highways specified. Applicants' representative is: Joel H. Steiner, 39 South LaSalle St., Suite 600, Chicago, IL 60603. TA has not been filed. Transferee and Transferor commonly cotrolled by Kenneth W. Inman.

MC-FC-78799. By decision of November 19, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the transfer to J. N. Carr Transport, Inc., Espy, PA of Certificate No. MC-141776 (Sub-No. 9) issued January 10, 1978 to Foodtrain, Inc., Ringtown, PA, authorizing the transportation over IRREGULAR ROUTES: Foodstuffs, in vehicles equipped with mechanical refrigeration (except in bulk, in tank vehicles), From the facilities of Kraft, Inc., at or near Champaign, Ill., to points in Connecticut. Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized. Applicant's representative: Wilmer B. hill (202) 628-9243, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, D.C.; Pauline E. Myers, (202) 737-2188, Suite 348 Penn. Bldg., 425 Thirteenth St., N.W., Washington, D.C.

F.D. MC-FC-78810. By decision of November 19, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 5 approved the transfer of Busby Freight Lines, Inc. of Ypsilanti, MI of Certificate No. MC-144645 issued to Black & White Cab, Inc., d/b/a Upsilanti Transportation Service of Ypsilanti, MI authorizing the transportation of transportating automobile parts, parts and materials used in the manufacture, production, and assembly of automobiles, and component parts between the facilities of the General Motors Corporation, at or near Lansing, MI, on the one hand, and, on the other, the Detroil Metropolitan Wayne County Airport, at or near Romulus, MI, and the Willow Run Airport, at or near Ypsilanti, MI, restricted to the transportation of traffic having a prior or subsequent movement by air, and weighing in the aggregate not more than 5,000 pounds from one consignor at one location to one consignee at one location in a single day. Applicant's representative is: Robert F. McFarland, 2855 Coolidge, Suite 201A, Troy, MI 48084 Ta appln. has not been filed. Transfer holds no authority.

MC-FC-78818. By decision of November 7, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 5 approved the transfer to Ohio Piggyback Transportation, Inc., of Columbus, OH. of Certificate No. MC-143516 issued September 3, 1980, to Rail Highway Transportation, Inc., of Centerville, OH, authorizing the transportation of general commodities, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment). between Cincinnati, Columbus, and Dayton, OH, on the one hand, and, on the other, points in Ohio, restricted to the transportation of traffic having prior or subsequent movement by rail or water. Applicant's representative is: David A. Turano, Counsel, 100 East Broad Street, Columbus, OH 43215, (614) 228-1541. Application for TA has not been filed. Transferee presently holds no authority from the Commission.

MC-FC-78831. By decision of November 7, 1980, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1133, Review Board Number 5 approved the transfer to Lincoln & Travel Corporation of 330 South 13th Street, Lincoln, NE 68501, of License No. MC-12811 Sub 2F, issued February 13, 1979 to Lincoln Tour & Travel Agency, Inc. of P.O. Box 81008, Lincoln, NE 68501 authorizing brokers authority to engage in interstate or foreign commerce as a broker at Lincoln, NE, in arranging for the transportation by motor vehicle, of passengers and their baggage in the same vehicle with passengers, in charter operations, in round trip tours between points in the United States, including Alaska but excluding Hawaii. Applicant's representative: James E. Ryan, Attorney, 214 Sharp Bldg.

Note.-(1) TA has not been filed. MC-FC-78832. By decision of November 13, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the transfer to John A. Sadovich, an individual, d.b.a. Pine-Eagle Freight Lines, of Baker, OR of Certificate No. MC-52322 authorizing the transportation of General Commodities, with the usual exceptions, over regular routes between Baker, OR, and Halfway, OR, serving the intermediate point of Richland, OR, from Baker over Oregon Highway 86 to Halfway, and return over the same route. Between Brownlee, OR, and Cornucopia, OR, serving the intermediate point of Halfway, OR, and the off-route point of Homestead, OR: From Brownlee over unnumbered highway to Ox Bow, OR, thence over Oregon Highway 86 to Halfway, OR, and thence over unnumbered highway to Cornucopia, and return over the same route; General commodities with the usual exceptions Between Brownlee,

OR, and the Hells Canyon Dam Site (near Homestead, OR), serving all intermediate points, and the off-route points within five miles each of the Brownlee Dam Site, the Ox Bow Dam Site, and the Hells Canyon Dam Site: From Brownlee over unnumbered highway in a northerly direction to the Ox Bow Dam Site, and thence in a northerly direction over unnumbered highway to the Hells Canyon Dam Site, and return over the same route, and over IRREGULAR ROUTES, Wool, livestock, and mining machinery and supplies, Between points in Baker County, OR, on the one hand, and, on the other, Baker, OR. Applicants' representative is: Lawrence V. Smart, Jr., 419 N.W. 23rd, Portland, OR 97210. TA has not been filed. Transferee presently holds no authority from the Commission.

MC-FC-78833. By decision of November 7, 1980 issued under 49 U.S.C. 10931 or 10932 and the transfer rules at 49 CFR 1132. Review Board Number 5 approved the transfer to Arrow Equipment Hauling, Inc., of Certificate of Registration No. MC-85910 (Sub-No. 1) issued February 6, 1964, to Don W. Owen, doing business as Don W. Owen Trucking Co., of Ada, OK, evidencing a right to engage in transportation in interstate commerce corresponding in scope to Oklahoma Class "B" Permit No. 8541, dated March 11, 1948 issued by the Corporation Commission of Oklahoma, in the movement of oil field equipment and supplies between all points in the State of Oklahoma. Applicant's representative is: Haskell E. Ballard, 240 Old Post Office Building, Oklahoma City, OK 73102.

No. MC-FC-78840. By decision of November 13, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132. Review Board Number 5 approved the transfer to Cantrell Motor Lines, Inc. of Certificate No. MC-119798, issued August 27, 1974, No. MC-119798 (Sub-No. 6), issued February 1, 1979, and No. MC-119798 (Sub-No. 8F), issued October 1, 1979; and of Permit No. MC-144038 (Sub-No. 2F), issued August 22, 1978, authorizing the transportation in MC-119798 of Packinghouse products and by-products, except commodities in bulk, between Bluefield, WV and Christiansburg, VA, serving all intermediate points, and the off route point of Newbern, VA: Over U.S. Hwy. 52 to Wytheville, VA, thence over U.S. Hwy. 11 to Christiansburg, VA; and return from Christiansburg over U.S. Hwy. 460 to Rich Creek, VA, thence over U.S. Hwy. 219 to Princeton, WV, and thence over U.S. Hwy. 19 to Bluefield. Between Bluefield, WV and Williamson, WV, serving no intermediate points:

Over U.S. Hwy. 52 to Williamson, and return over the same route. Lubricating oils and greases, except commodities in bulk, between Bluefield, WV and Roanoke, VA, serving all intermediate points from Bluefield, WV over U.S. Hwy. 52 to Wytheville, VA, thence over U.S. Hwy. 11 to Christiansburg, thence over U.S. Hwy. 460 to Rick Creek, VA, thence over U.S. Hwy. 219 to Princeton, WV, and thence over U.S. Hwy. 19 to Bluefield. Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, restricted to movements to and from the warehouses. plants, stores, or other facilities of such wholesale, retail, and chain grocery and food business houses (except commodities in bulk), between Bluefield, WV and Roanoke, VA, serving all intermediate points: from Bluefield over U.S. Hwy. 52 to Wytheville, VA, thence over U.S. Hwy. 11 via Christiansburg, VA and Roanoke, VA; and return from Roanoke over U.S. Hwy. 11 to Christiansburg, thence over U.S. Hwy. 460 to Rich Creek, VA, thence over U.S. Hwy. 219 to Princeton, WV, and thence over U.S. Hwy. 19 to Bluefield. REGULAR AND IRREGULAR ROUTES: Alcoholic liquors and incendental store supplies, except commodities in bulk, between Charleston, WV and points in West Virginia, serving no intermediate points in the following regular-route portion: from Charleston, WV over irregular routes to the West Virginia-Virginia State line, near White Sulphur Springs, WV, thence over U.S. Hwy. 60 to Lexington, VA, thence over U.S. Hwy. 11 to Winchester, VA, thence over U.S. Hwy. 11 and/or U.S. Hwy. 50 to Virginia-West Virginia State line, thence over irregular routes to all points in West Virginia and return over the same routes. From Charleston over irregular routes to the West Virginia-Virginia State line, near Brookside, WV, thence over U.S. Hwy. 50 to the Maryland-West Virginia State line, near Gormania, WV. thence over irregular routes to all points in West Virginia, and return over the same routes. IRREGULAR ROUTES: Alcoholic liquors and incidental store supplies, except commodities in bulk. between Charleston, WV, on the one hand, and, on the other, all points in West Virginia. Lubricating oils and greases, except commodities in bulk, between points in McDowell, Mercer, Raleigh, Summers, and Wyoming Counties, WV and points in Bland and Tazewell Counties, VA. Catalogs, except commodities in bulk, from Bluefield, WV to points in Alleghany.

Bland, Botetourt, Buchanan, Carroll, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Henry, Lee, Montgomery, Patrick, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise, and Wythe Counties, VA, and those in Fayette, Greenbrier, Logan, McDowell, Mercer, Mingo, Monroe, Pocahontas, Raleigh, Summers, and Wyoming Counties, WV, with no transportation for compensation on return except as authorized. Such Merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business (except commodities in bulk), between points in McDowell, Mercer, Raleigh, Summers, and Wyoming Counties, WV, and points in Bland and Tazewell Counties, VA, from Bluefield, WV to points in Fayette, Greenbrier, Logan, and Mingo Counties, WV to points in Fayette, Greenbrier, Logan, and Mingo Counties, WV and Buchanan County, VA, with no transportation for compensation on return except as otherwise authorized.

MC 119798 (Sub-No. 4) Irregular routes: Foodstuffs, from Southwest Supply, Inc., Bluefield, WV to points in Dickenson, Grayson, Lee, Roanoke, Russell, Scott, Smyth, Washington, and Wise Counties, VA, Monroe, Nicholas, Pocahontas, and Webster Counties, WV, Floyd, Martin, and Pike Counties, KY; and returned shipments of foodstuffs, from the destinations specified above, to Southwest Supply, Inc., Bluefield, WV.

MC 119798 (Sub-No. 6) Irregular routes: Meats, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), and foodstuffs, from George A. Hormel & Co., Ottumwa, IA, to points in Virginia and West Virginia. RESTRICTION: the authority granted herein is restricted to the transportation of shipments originating at the named facilities and destined to the named destinations. Certificate may not be tacked or joined with the carrier's other irregular route authority.

MC 119798 (Sub-No. 8F) Irregular routes: (1)(a) foodstuffs and (b) articles distributed by meat-packing houses, (except foodstuffs, hides, and commodities in bulk), between Bluefield, WV, on the one hand, and, on the other, those points in Tennessee on and east of Interstate HWY. 75; and (2) frozen desserts, from Philadelphia, PA to

Bluefield, WV, and Logan and Huntington, WV.

MC 144038 (Sub-No. 2F) Irregular routes: Plastic materials, mining chemicals, and flotation reagents, in packages from Southwest Supply, Inc. at Bluefield and Wheeling, WV to coal mining preparation (cleaning) facilities at points in Bell, Harlan, Knox, Martin, Clau, Estill, Floyd, Leslie, Letcher, Perry. Pulaski, Whitley, and Pike Counties, KY, those in Athens, Coshocton, Guernsey, Harrison, Jefferson, Meigs, Monroe, Morgan, Perry, Vinton, and Belmont Counties, OH, those in Washington, Greene, Armstrong, Beaver, Butler, Cambria, Centre, Clarion, Clearfield, Fayette, Indiana, Jefferson, Lawrence, Mercer, Somerset, and Westmoreland Counties, PA, and those in Wise, Russell, Dickenson, Lee, Tazewell, and Buchanan Counties, VA, under a continuing contract or contracts with American Cyanamid Co., of Wayne, NJ. Applicant's representative is: John M. Freidman, 2930 Putnan Avenue, Hurricane, WV 25526.

MC-FC-78845. By decision of November 12, 1980, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132 Review Board Number 5 approved the transfer to Suwin Holding. Inc. of Certificate No. MC-127312 (lead and Sub-No. 2F) issued June 12, 1972 and December 10, 1979, respectively, to Cannon Interstate Carriers Corp. authorizing the irregular-route transportation of (1) general commodities, from New York, NY, to points in Bergen, Essex, Hudson, Middlesex, Monmouth, Passaic and Union Counties, NI; (2) damaged or rejected shipments of the commodities described in (1) from destination points described in (1) to New York, NY; and (3) synthetic yarn from the facilities of Unif, Inc., at or near Yadkinville, NC, to New York, NY. Applicant's representative is: Harold L. Reckson, Registered Practioner, 33-28 Halsey Road, Fair Lawn, NJ 07410.

MC-FC-78846. By decision of November 12, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the transfer to L & A Trucking, Inc., of certificate of registration No. MC-99320 (Sub-No. 1), issued January 7, 1980 Charles Wright and C. Weldon Wright, a partnership, doing business as Wright Lease Work and Construction, and transferred to Kermit Contractors, Inc., in Docket No. MC-FC-77811, authorizing the transportation of household goods and used office furniture and equipment from Junction to all points in Texas and from all such points to Junction; livestock, milk and

timber in its natural state from Junction to all Texas points located west of U.S. Highway 81 from Ringgold to San Antonio and west of U.S. Highway 181 from San Antonio to Aransas Pass and from all such points to Junction; wool and mohair from Junction to all Texas points located west of U.S. Highway 81 from Ringgold to San Antonio and west of U.S. Highway 181 from San Antonio to Aransas Pass and to Houston and Calveston, and from all such points in Junction; livestock feedstuffs, farm machinery and grain from Junction to all Texas points located west of U.S. Highway 81 from Ringgold to San Antonio and west of U.S. Highway 171 from San Antonio to Aransas Pass and from all such points to Junction; to transport the following commodities between all points west of U.S. Highways 81 and 181, Ringgold to San Antonio and Aransas Pass; oilfield equipment and pipe, when moving as oilfield equipment. Pipe when it is to be used in the construction of pipe lines of any and every other character or use other than oilfield equipment, between the points within the area covered by the existing certificate of the applicant; except that the applicant is prohibited from transporting pipe when not moving as oilfield equipment, where both origin and destination are places on the certificated routes of regular route common carrier motor carriers, when such pipe is less than four inches (4") in diameter and is also less than twentyeight feet (28') in length. Trenching machines, tractors, drag lines, back fillers, caterpillars, road building machinery, batch bins, ditching machinery, bulldozers, heavy mixers, finishing machinery, power hoists, cranes, heavy machinery, pile driving rigs, paving machines and equipment, graders, construction equipment, boilers, scrapers, irrigation and drainage machinery, road maintainers, electric motors, pumps, transformers, circuit brakers trubines, bridge construction equipment, shovels, planes, lathes, air compressors, rotaries, prefabricated houses, bulk station storage tanks, heavy machinery and equipment, boats and prefabricated steel girders, threshing machines, sawmill machinery, telephone and telegraph poles, creosote and other pilings, heavy furnaces or ovens, pipe (including iron, steel girders, beams, columns, posts, channels and trusses, generators and dynamos, iron or steel castings, sheets, and plates, industrial hammers, industrial machinery, including laundry, ice making, air conditioning, baker, bottling, gin, crushing, dredging, mill, brewery, textile, water plant and wire covering,

twistings or laving, derricks, hoists, steam or internal combustion engines, rollers, power shovels, safes, vaults, bank doors, and gasoline, fuel oil and other storage tanks, when said commodities are not moving as oilfield equipment, as follows: the holder of this authority may transport the above named commodities together with its attachment and its detached parts thereof between incorporated cities, towns and villages only when the commodity to be transported weighs 40,000 pounds or more in a single piece or when such commodity, because of physical characteristics other than weight, requires the use of "special devices, facilities or equipment" for the safe and proper loading or unloading thereof. Absorbers (scrubbers); air or gas lift equipment; amplifiers, seismic; anodes, magnesium; armatures (heavy) and parts; assemblies, backside, casinghead, Christmas tree, stuffing; knock-off, screen setting, seating and set shoe; asphalt plant; asphalt or pipe line coating, in barrels or drums; bailers; barges, benders, pipe; blowout preventers, booms, crane, truck, dragline, derrick and tractor; brakes and parts; bridges, portable buckets, clam shell, dragline and shovel; bug blowers; cable tool drilling machines; cable tools; cat heads; chains, loading, in barrels; casing spiders; chlorine and other chemicals in steel cylinders or tanks (not tank trucks); gas compressors; connection racks; conveyors; core barrels; coring units; clutches (heavy); crown blocks; crank shafts (heavy); cross-arms and their hardware; crossties; cylinder, engine and compressor; dehydration units; derrick ramps; derrick starting leg; derrick skids; derrick steps; derrick substructure; drill bits; drill collars; drilling line; drilling hose; draw works; drilling rig machinery; elevators; elevator bails; engine substructures; empty cylinders; extensions, derrick base; engine compound; finger boards; floor skids; fronts, rig or derrick; fishing tools; fouble boards; fuel oil and gasoline (not including movement in tank trucks or tank trailers); garages, portable; guards, chain and belt; grief stems or kelly joints; guns, mud; gravity meters; heat exchangers; hooks; jack shafts; kelly and pipe straightner; ladders, derrick; light plants; machinery, pipe screening, pipe screwing, pipe slotting, pipe threading or cutting, pipe wrapping; water well machinery, water well surveying machinery; milling machine; marsh buggies; magnetic field balances; magnetometers; masts; monorail systems; mud boats, mud houses; mud mixers; mud tanks; mufflers, (heavy);

mouse holes; nipples, iron, cement; perforators; planers, power; plow; poles. gin; power transmission equipment (towers); pressure devices; rails, steel; railroad engines, cars and equipment; rat holes, radiators (heavy); reamers; reinforcing an sucker (single and bundles); recording equipment; road lumber; rig timbers; seismic shooting equipment; slips; shale shakers; screens; substitutes; speed reducers; smoke stacks; starting units; stand pipes; swivels; suctions; spears and fishing tools; takeoffs, power; tool joints; towers, treating plants; tongs; traveling blocks; tubing and tubing heads; valves; V-belt drives; utility houses; welding machines; wire line, rope or cable, on reels; lift equipment; anchors; angles (heavy); mud, including drilling mud and conditioners (not including) movements in tank trucks or tank trailers); propellers or shafts; blades, including bit, scraper and grader; boring machines or mills, including parts and equipment; dam and power plant machinery and equipment (control gates); collars, including drill or pipe; counterbalances, including counter shafts and weights; hoppers; printing machines; telephone equipment (cables, reels, switchboards); tools in boxes and houses; trailer, mounted units, including mounted workover units; treaters; blocks; jacks (heavy); joints, including expansion or kelly; core drilling machines; core drilling equipment; protectors (attached to pipe); and heaters, when not moving as oilfield equipment as follows: The holder of this authority may transport the above-named commodities (beginning with the commodity "Absorbers") together with its attachments and its detached parts thereof, between points in the pick-up and delivery limits of the regular route common carrier motor carriers in incorporated cities, towns and villages only when the commodity to be transported weighs 4,000 pounds or more in a single piece or when such commodity, because of physical characteristics other than weight, require the use of "special devices, facilities or equipment" for the safe and proper loading or unloading and transportation thereof. The term "special devices, facilities or equipment," is construed to mean only those operated by motive or mechanical power; and all commodities to be transported, beginning with "trenching machines", together with attached and detached parts thereof, must require specialized equipment for safe and proper loading or unloading and transportation thereof. (Purchased from Kermit Contractors, Inc.) The

transportation of household goods, used office furniture and equipment, livestock feedstuff, farm machinery and grain is prohibited from dealer to dealer.

MC-FC-78848. By decision of November 19, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the transfer to Paul M. Munsen, an individual, of Certificate No. MC-136147 (Sub-No. 2) issued January 11, 1978 to Coach Travel Unlimited, Inc., authorizing the transportation of passengers and their baggage, in the same vehicle with passengers, in special operations, over irregular routes. beginning and ending at points in Lake, Cook, DuPage, Will, Kankakee, Iroquois. Ford, Kendall, Grundy, La Salle, DeKalb, Boone, McHenry, and Kane Counties, IL, and extending to points in the United States (including Alaska but excluding Hawaii). Applicants' representative: James C. Hardman, Suite 2108, 33 N. LaSalle Street, Chicago, IL 60602, [312] 236-5944.

MC-FC-78850. By decision of November 19, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the transfer to Steffensen Grain Company, Inc., of that portion of Certificate No. MC-127187 (Sub-No. 1). issued January 16, 1976 to Floyd Duenow, Inc., authorizing the transportation of (A) Animal and poultry feeds and feed ingredients, From Weeping Water, NE, to points in North Dakota, South Dakota, and Minnesota, and (B) Animal feed, poultry feed, and animal and poultry feed ingredients, except in bulk, in tank vehicles, From points in that part of Iowa on and west of U.S. Highway 59, to points in North Dakota, South Dakota, and Minnesota. From points in that part of northeastern Nebraska bounded by a line beginning at the Nebraska-South Dakota State line and extending south along U.S. Highway 81 to junction U.S. Highway 34, thence extending east along U.S. Highway 34 to the Nebraska-Iowa State line (except Weeping Water, NE), to points in North Dakota, South Dakota, and that part of Minnesota on and west of U.S. Highway 71. Applicants' representative: James B. Hovland, Suite M-20, 400 Marquette Avenue, Minneapolis, MN 55401.

MC-FC-78852. By decision of November 27, 1980, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132 Review Board number 5 approved the transfer to Westmar Truck Lines, Inc., of Seattle, WA, of Certificate No. MC-145357 issued April 26, 1980, to Western Marine Supply, Inc., of Seattle, WA, authoring the transportation of (i) distilled spirits, wine, and cigarettes, (a)

from ports of entry on the international boundary line between the United States and Canada, in WA, MT, and ID, to Wilmington, CA, (b) from Wilmington, CA, to Blaine and Seattle, WA, Great Falls, Rooseville, and Piegan, MT, and (c) from Seattle, WA, to Blaine, WA, Great Falls, Rooseville, and Piegan, MT, and Portland, OR; (2) distilled spirits and cigarettes, from Burlingame and San Francisco, CA, to Blaine, WA; (3) beer, (a) from ports of entry on the international boundry line between the United States and Canada, in WA, MT, and ID, to Wilmington, CA, and (b) from Wilmington, CA, to Seattle and Blaine, WA, (4) wine, from Wilmington, CA, to Portland, OR; and (5) distilled spirits and wine, from Burlingame and San Francisco, CA, to Great Falls and Rooseville, MT. Applicant's representative is: Jeremy Kahn, 1511 K Street, N.W., Washington, D.C. 20005. TA lease is not sought. Transferee holds no authority.

MC-FC-78855. By decision of November 19, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the transfer to EDWARD R. RUNYON AND ROBIN D. RUNYON, A Partnership, D/B/A E. & R. TOWING, of Ridgefield, WA, of Certificate No. MC-94899 issued December 13, 1977, to **ORCHARDS TRUCK & AUTO** TOWING, INC., of Vancouver, WA, authorizing the transportation of disabled motor vehicles, in driveaway or tow-away service, between points in Oregon and Washington. Applicants' representatives are Edward Runyon, 20801 N.E. 10th Ave., Ridgefield, WA 98642, and Thomas Raymond, 5019 N.E. Hazel Dell Ave., Vancouver, WA 98662. Transferee does not hold ICC authority. Application for temporary authority has not been filed.

MC-FC-78856. By decision of November 13, 1980, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132 Review Board number 5 approved the transfer to Grandview Enterprises, Inc., of Permits No. MC-134043 (Sub-No. 1) issued June 10, 1970, and No. MC-134043 (Sub-No. 5) issued January 31, 1979, to Art Knight, Inc., authorizing the transportation over irregular routes of (1) Wooden shingles and wooden shakes, From points in Washington and Oregon, to points in California, with no transportation for compensation on return except as otherwise authorized. Limited to service performed under a continuing contract or contracts with Fluhrer Bros., a partnership, of Astoria, OR, and Wasser Fluhrer, Inc., a Washington Corporation. (2) Such commodities as are dealt in or

sold by department stores, Between points in Washington, Oregon, California, and Arizona. Limited to service performed under a continuing contract or contracts with Boza'r Inc., of Portland, Oregon. (3) Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, (except bananas). Between points in Arizona, California, Oregon and Washington. (4) Bananas, From Long Beach and Wilmington, CA, to the facilities of Pacific Gamble Robinson, doing business as Pacific Fruit and Produce, in Portland, Eugene, and Salem, OR. Service under (3) and (4) above is limited to service performed under a continuing contract(s) with Pacific Gamble Robinson, doing business as Pacific Fruit and Produce, of Seattle, WA. Applicant's representative is: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, OR 97210.

MC-FC-78858. By decision of November 17, 1980, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132 Review Board Number 5 approved the transfer to Geetings, Inc., (1) of that portion of certificate No. MC-29130, issued November 23, 1964, to Rhode Island Motor Transit Company, (a) described as Route No. 11, authorizing the transportation over regular routes of general commodities except nitroglycerine, commodities requiring special equipment, and those injurious or contaminating to other lading, between Chicago, IL, and Joliet, IL, serving the intermediate points of Blue Island, Midlothian, Oak Forest, Tinley Park, Mokena, and New Lenox, IL, from Chicago over unnumbered highway via Blue Island, IL, to junction Illinois Highway 83, then over Illinois Highway 83 to junction unnumbered highway then over unnumbered highway to Midlothian, IL, then over unnumbered highway to junction Illinois Highway 50, then over Illinois Highway 50 via Oak Forest, IL, to junction unnumbered highway, then over unnumbered highway to Tinley Park, IL, then over Illinois highway 42A to junction unnumbered highway, then over unnumbered highway to junction U.S. Highway 45, then over U.S. Highway 45 to junction unnumbered highway, then over unnumbered highway via Mokena, IL, to junction U.S. Highway 30 and then over U.S. Highway 30 to Joliet, and return over the same route restricted against the transportation of shipments between any of the following points, or through or to, or from more than one of said points: Chicago and Joliet, IL; (b) described as Route No. 12, authorizing the transportation, over regular routes of general commodities, between Eldon,

IA, and Trenton, MO, serving all intermediate points (except Ottumwa and Corydon, IA), and the off-route points of Unionville, Udell, Harvard, Allerton, and Clio, IA: From Eldon over unnumbered highway via Laddsdale and Floris, IA, to junction U.S. Highway 63, then over U.S. Highway 63, to junction Iowa Highway 273, then over Iowa Highway 273 via Drakesville, IA, to junction unnumbered highway, then over unnumbered highways via Paris, Unionville, and Udell, IA, to junction Iowa Highway 2, then over Iowa Highway 2 to Centerville, IA, then over Iowa Highway 60 to junction Iowa Highway 277, then over Iowa Highway 277 to Numa, IA, then over unnumbered highways via Seymour, Kniffin, Harvard, Allerton, and Clio, Iowa, to junction U.S. Highway 65, and then over U.S. Highway 65 to Trenton, and return over the same route; (c) described as Route No. 13, authorizing the transportation over regular routes, of general commodities, between Eldon, IA, and Trenton, MO, serving all intermediate points (except Ottumwa and Corydon, IA), and the off-route points of Unionville, Udell, Harvard, Allerton, and Clio, IA: from Eldon over Iowa Highway 16 to junction U.S. Highway 34, then over U.S. Highway 34 to Ottumwa, IA, then over U.S. Highway 63 to junction Iowa Highway 273 then over Iowa Highway 273 to Drakesville, IA, then over unnumbered highway to Bloomfield, IA, then over Iowa Highway 2 to Centerville, IA, then to Seymour, IA, as specified in Route No. 12 then over Iowa Highway 55 to junction Iowa Highway 2, then over Iowa Highway 2 to junction U.S. Highway 65, and then over U.S. Highway 65 to Trenton, and return over the same route; (d) described as Route No. 23, authorizing the transportation, over regular routes, of general commodities, except those of unusual value, nitroglycerine, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contamination to other lading, between Davenport, IA, and Muscatine, IA, serving all intermediate points, and the off-route points of Moline, East Moline, and Rock Island, IL: From Davenport over Iowa Highway 22 (formerly U.S. Highway 61) to Muscatine, and return over the same route; (e) described as Route No. 25, authorizing the transportation over regular routes of general commodities, except those of unusual value, nitroglycerine, household goods as defined by the Commission. commodities in bulk, commodities

requiring special equipment, those injurious or contaminating other lading, and livestock, between Iowa City, IA, and Wellman, IA, serving the intermediate point of Kalona, IA: From Iowa City over Iowa Highway 1 to Kalona IA, then over Iowa Highway 22 to Wellman, and return over the same route; (f) described as Route No. 26, authorizing the transportation, over regular routes, of general commodities, except those of unusual value, nitroglycerine, household goods as defined by the Commission. commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Des Moines, and Colo. IA, serving no intermediate points; from Des Moines over U.S. Highway 65 to Colo, and return over the same route; (g) described as Route No. 38, authorizing the transportation, over regular routes, of general commodities, except those of unusual value, nitroglycerine, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious of contaminating to other lading, between Iowa, City, IA, and Cedar Rapids, IA, serving no intermediate points: from Iowa City, over U.S. Highway 218 to Cedar Rapids, and return over the same route; (h) described as Route No. 45, authorizing the transportation over regular routes of general commodities, except those of unusual value, nitroglycerine, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Muscatine, IA, and Eldon, IA, serving the intermediate points of Columbus Junction, Cotter, Ainsworth. Washington, Brighton, and Fairfield, IA. and the off-route points of Letts, Columbus City, Pleasant Plain, and Libertyville, IA: from Muscatine over U.S. Highway 61 to junction Iowa Highway 92, then over Iowa Highway 92 to Washington, goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Eldon, IA, and Des Moines, IA, serving the intermediate points of Ottumwa, Eddyville, Fremont, Cedar, Oskaloosa, Pella, Outly, Monroe, and Prairie City, Iowa, and the off-route points of Evans, Leighton, Given, and Beacon, IA: from Eldon over Iowa Highway 16 to junction U.S. Highway 34, then over U.S. Highway 34 to Ottumwa, IA, then over U.S. Highway 63 to Oskaloosa, IA (also from Ottumwa over lowa Highway 15 to Eddyville, IA, then over Iowa Highway 137 to Oskaloosa), and then over Iowa Highway 163 to Des Moines, and return over the same route;

(j) described as Route No. 64 authorizing the transportation, over regular routes of classes A and B explosives, except nitroglycerine, and general commodities, except those of unusual value, household goods as defined by the Commission, commodities in bulk. and those requiring special equipment, between Silvis, IL, and Joliet, IL, serving all intermediate and off-route points which are stations on the rail line of The Chicago, Rock Island and Pacific Railway Company between Silvis and Joliet, IL: from Silvis over unnumbered highways via Carbon Cliff, Colona, and Green River, IL to junction U.S. Highway 6, and then over U.S. Highway 6 via LaSalle and Ottawa, IL to Joliet, and return over the same route, restricted against the transportation of shipments between any of the following points, or through or to or form more than one of said points: LaSalle, Peoria, and Rock Island IL; (k) described as Route No. 65, authorizing the transportation over regular rates, classes A and B explosives, except nitroglycerine, and general commodities, except those of unusual value, household goods as defined by the Commission. commodities in bulk, and those requiring special equipment, between Silvis, IL, and Joliet, IL, serving all intermediate and off-route points which are stations on the rail line of The Chicago, Rock Island and Pacific Railway Company between Silvis and Joliet, IL: from Silvis over unnumbered highways via Carbon Cliff, Colona, and Green River, IL to junction U.S. Highway 6, then over U.S. Highway 6 to La Salle, IL. then over U.S. Highway 51 to junction Illinois Highway 71, then over Illinois Highway 71 to Ottawa, IL, then over U.S. Highway 6 to Joliet, and return over the same route; subject to the same restriction described in 1(j) above; and (1) described as Route No. 66, authorizing the transportation over regular routes, of classes A and B explosives except nitroglycerine, and general commodities, except those of unusual value, household goods as defined by the Commission. commodities in bulk, and those requiring special equipment, between Depue, IL, and Peoria, IL, serving all intermediate and off-route points which are stations on the rail line of The Chicage, Rock Island and Pacific Railway Company between Depue and Peoria, IL: from Depue over Illinois Highway 29 to Peoria, and return over the same route; subject to the same restriction as described in 1(j) above; (2) of certificate No. MC-29130 (Sub-No. 48), issued October 1, 1946, to Rock Island Motor Transit Company, authorizing the

transportation over regular routes, of general commodities, except those of unusual value, commodities in bulk, and those requiring special equipment, service is authorized to and from the naval Reserve Air Base approximately 4 miles north of Ottumwa, Iowa, as an offroute point in connection with said carrier's presently authorized regular route operations; (3) of certificate No. MC-29130 (Sub-No. 61), issued October 3, 1949, to Rock Island Motor Transit Company, authorizing the transportation over regular routes, of general commodities, except those of unusual value, nitroglycerine, commodities in bulk, commodities requiring special equipment, and household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, over regular routes, between Kalona, IA, and Muscatine, IA: from Kalona over Iowa Highway 22 to Muscatine, with service authorized to and from the intermediate points of Riverside, Lone Tree, and Nichols, IA: between Wellman, IA, and West Chester IA: from Wellman over Iowa Highway 81 to junction Iowa Highway 92, then over Iowa Highway 92 to West Chester, with no service authorized to or from intermediate points; between Iowa City, IA and junction Iowa Highway 92 and U.S. Highway 218: From Iowa City over U.S. Highway 218 to junction Iowa Highway 92, with service authorized to and from the intermediate point of Hills, IA, and with the right of joinder only, at the junction of U.S. Highway 218 and Iowa Highway 22, and return over these routes; (4) of Certificate No. MC-29130 (Sub No. 63), issued February 14, 1950, to Rock Island Motor Transit Company. authorizing service to and from points within 12 miles of the central post office, Des Moines, IA, except Altoona, Ankeny, Carlisle, Des Moines, and Norwalk, IA, as intermediate and offroute points in connection with said carrier's presently restricted to the transportation of such commodities as said carrier is presently authorized to transport to and from Des Moines over regular routes, as described in 1(i) above; (5) of Certificate No. MC-29130 (Sub No. 84), issued December 16, 1971, to Rock Island Motor Transit Company, authorizing the transportation over regular routes, of general commodities, except those of unusual value, nitroglycerine, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Malcom, IA, and Washington, IA, serving the intermediate points of Montezuma, Deep

River, Thornburg, Keswick, Kinross, What Cheer, Webster, South English, and West Chester, IA: from Malcom over U.S. Highway 63 to junction Iowa Highway 85, then over Iowa Highway 85 to junction Iowa Highway 21, then over Iowa Highway 21 to What Cheer, IA, then return over Iowa Highway 21 to junction Iowa Highway 22, then over Iowa Highway 22 to junction Iowa Highway 81, then over Iowa Highway 81 to junction Iowa Highway 92, then over Iowa Highway 92 to Washington, and return over the same route; between junction U.S. Highway 63 and unnumbered Iowa Highway and junction Iowa Highway 21 and said unnumbered Iowa Highway, serving the intermediate points of Barnes City and Gibson, IA: from junction U.S. Highway 63 and unnumbered Iowa Highway over said unnumbered Iowa Highway (via Barnes City and Gibson) to junction Iowa Highway 21, and return over the same route; Between Montezuma, IA, and Washington, IA, serving the intermediate points of Barnes City, Rose Hill, What Cheer, Delta, Webster, Sigourney, Keota, and West Chester, IA, and the off-route point of Harper, IA: from Montezuma over U.S. Highway 63 to junction Iowa Highway 308, then over Iowa Highway 308 to Barnes City, then return over Iowa Highway 308 junction U.S. Highway 63, then over U.S. Highway 63 to junction Iowa Highway 92, then over Iowa Highway 92 to junction Iowa Highway 21, then over Iowa Highway 21, to What Cheer, then return over Iowa Highway 21 to junction Iowa Highway 92, then over Iowa Highway 92 to junction Iowa Highway 108, then over Iowa Highway 108 to Delta, then return over Iowa Highway 108 to junction Iowa Highway 92, then over Iowa Highway 92 to junction Iowa Highway 149, then over Iowa Highway 149 to Webster, then return over Iowa Highway 149 to junction Iowa Highway 92, then over Iowa Highway 92 to junction Iowa Highway 77, then over Highway 77 to junction unnumbered Iowa Highway at Keota, then over unnumbered Iowa Highway to junction Iowa Highway 22, then return over said unnumbered Iowa Highway and Iowa Highway 77 to junction Iowa Highway 92, then over Iowa Highway 92 to Washington, and return over the same route: Between junction U.S. Highway 63 and Iowa Highway 149 and junction Iowa Highways 78 and 1 (near Richland, IA), serving the intermediate points of Richland and Sigourney, IA: from junction U.S. Highway 63 and Iowa Highway 149 over Iowa Highway 149 to Sigourney, then return over Iowa Highway 149 to junction Iowa Highway

78, then over Iowa Highway 78 to junction Iowa Highway 1 (near Richland), and return over the same route; Subject to the condition that the authority granted in (5) above, to the extent it authorizes the transportation of classes A and B explosives, shall be limited, in point of time, to a period expiring July 19, 1981. (6) of Certificate No. MC-29130 (Sub-No. 89), issued February 20, 1961, to Rock Island Motor Transit Company, authorizing the transportation, over regular routes, of general commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Kalona, IA, and Muscatine, IA, serving no intermediate points, but serving the offroute point of Lone Tree, IA: from Kalona over Iowa Highway 22 to Muscatine, and return over the same route; between Iowa City, IA, and junction U.S. Highway 218 and Iowa Highway 92, as an alternate route for operating convenience only, serving no intermediate points: from Iowa City over U.S. Highway 218 to junction Iowa Highway 92, and return over the same route; (7) of certificate No. MC-29130 (Sub-No. 90), issued August 25, 1961, to Rock Island Motor Transit Company, authorizing the transportation, over alternate routes for operating convenience only, of general commodities, except those of unusual value, household goods as defined by the Commission, and commodities in bulk, between Ottumwa, IA, and Osceola, in connection with carrier's regular route operations in Iowa, serving no intermediate points, with right of joinder at Ottumwa and Osceola: from junction U.S. Highways 34 and 63, at Ottumwa, over U.S. Highway 34 to junction U.S. Highway 69 at Osceola, and return over the same route; between Oskaloosa, IA, and Osceola, IA, in connection with carrier's regular route operations in Iowa, serving no intermediate points, with right of joinder at Oskaloosa and Osceola: from Junction Iowa Highways 163 and 92, at or near Oskaloosa, over Iowa Highway 92 to junction Iowa Highway 14, at Knoxville, IA, then over Iowa Highway 14 to junction U.S. Highway 34, at Chariton, IA, and then over U.S. Highway 34 to junction U.S. Highway 69, at Osceola, and return over the same route; (8) of Certificate No. MC-29130 (Sub-No. 92), issued May 30, 1974, to Rock Island Motor Transit Company, authorizing the transportation, over regular routes of general commodities, except those of unusual value,

household goods as defined by the Commission, and those requiring special equipment, serving the plant site of Eastman Kodak Company at Oakbrook, IL, an off-route point in connection with carrier's presently authorized regularroute operations between Chicago and Silvis, IL, In (8) above subject to the following conditions: (i) restricted against the handling of traffic originating at or destined to points in Lake and Porter counties, ID, and points in Illinois other than those in St. Clair and Madison Counties, and (ii) to the extent that it authorizes the transportation of classes A and B explosives shall be limited in point of time to a period expiring April 8, 1979; (9) of Certificate No. MC-29130 (Sub-No. 98), issued December 4, 1975, to Rock Island Motor Transit Company, authorizing the transportation, over regular routes, of general commodities, except nitroglycerine, commodities of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, between junction U.S. Highway 6 and Iowa Highway 70 (formerly Iowa Highway 76) at or near West Liberty, IA, and Nichols, IA, serving no intermediate points and serving junction U.S. Highway 6 and Iowa Highway 70 for purposes of joinder only: from junction U.S. Highway 6 and Iowa Highway 70 (formerly Iowa Highway 76) over Iowa Highway 70 to Nicols, and return over the same route, subject in (a) above to the restriction that to the extent that it authorizes the transportation of dangerous commodities, shall be limited in point of time, to a period expiring September 24, 1980. (10) of certificate No. MC-29130 (Sub-No. 100), issued September 18, 1967, to Rock Island Motor Transit Company, authorizing the transportation, over regular routes of general commodities, except those of unusual value, nitroglycerine, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of Cooper-Jarrett, Inc., terminal on Frontage Road, approximately one-half mile west of County Line Road, in DuPage County, IL, as an off-route point, in connection with carrier's presently authorized regular-route operations to and from Chicago, IL, restricted in (10) above against the transportation of traffic originating at or destined to points in the Chicago, IL, commercial zone, as defined by the Commission; (11) of certificate No. MC-29130 (Sub-No. 101) issued March 3, 1970, to Rock Island Motor Transit Company, authorizing the transportation of general commodities,

except those of unusual value. nitroclycerine, household goods as defined by the Commission. commodities in bulk, and those requiring special equipment, serving the plant site of Montgomery Elevator Company near the intersection of U.S. Highway 6 and Interstate Highway 80 near Green Rock, IL, as an off-route point in connection with carrier's authorized regular-route operation to and from Moline, IL; and (12) of certificate No. MC-29130 (Sub-No. 106) issued May 17, 1977, to Rock Island Motor Transit Company. authorizing the transportation, over regular routes, of general commodities. (except those of unusual value, classes A and B explosives, household goods as defined by the Commission. commodities in bulk, and those requiring special equipment), serving the facilities of Minnesota Mining and Manufacturing Company at or near Knoxville, IA, as an off-route point in connection with carrier's otherwise authorized regularroute operations; The authority approved by the Board for transfer is subject to the certain restrictions which applicants seek to remove, but which shall be imposed in any transfer issuances unless cured as provided below. The authority described in 1 (a), (b), (c), (j), (k), and (l) and in 2 and 3 contain the following restrictions: (I) the service to be performed by said carrier shall be limited to service which is auxiliary to or supplemental of, the rail service of the Chicago, Rock Island and Pacific Railroad, and (II) such further specific conditions as the Commission in the future, may find it necessary to impose in order to restrict said carrier's operation by motor vehicle to service which is auxiliary to, or supplemental of, the rail service of the Railroad. Similarly, the authority described in (4) above provides that it is subject to the same conditions, limitations and restrictions, if any, contained in said carrier's present operating authority with respect to service to and from Des Moines. The carrier's operating authority in connection with Des Moines is described in Route No. 1 of certificate No. 29130 which contains the same restriction as in II above. Also, the authority described in 1 (a), (b), (c), (j), (k), and (l) and in (3) above contain a third restriction (III) providing that the carrier shall not serve any point not a station on the rail line of the Railroad. These restrictions characterize the very essence of transferor's basic authority, focusing its operations to those associated with rail service only. This removal in effect would create a new service which might only be

accomplished by satisfying the criteria for new authority issuances under 49 U.S.C. § 10922. See decision of the Commission in No. MC-F-13826, H& W Motor Express Company-Purchase (Portion)-The Rock Island Motor Transit Company, decided August 6, 1980. Among other things, applicants will be required herein to furnish verified written evidence presented by persons supporting the issuance of a certificate establishing that the new service will serve a useful public purpose, responsive to a public demand or need. Those persons should be proposed users of the new service who must show a particular benefit from the elimination of one or more particular restrictions. Should the evidence support the elimination of one or more of the foregoing restrictions, then a certificate reflecting such elimination shall issue, unless on the basis of evidence presented by persons objecting to the issuance, if any, establishes that the transportation to be authorized by such on restricted certificate is inconsistent with the public convenience and necessity. Accordingly, applicants are directed to furnish their evidentiary pleadings to eliminate one or more of these impediments no sooner than 45 days and no later than 50 days from the date upon which this application is published in the Federal Register, and must certify to this Commission that a copy of this pleading(s) has been simultaneously served upon all other parties of record, if any. Protestants (if any) will be afforded 20 days from the filing date of applicants' evidentiary pleading(s) to file responsive pleadings with respect to these impediments.

Notations: (1) Inasmuch as the period of time referenced in the authorities described in 8 and 9 above have lapsed. any authority to be issued shall exclude classes A and B explosives which also embrace nitroglycerine; (2) carriers may decline to transport livestock or any other commodities injurious or contaminating to other lading by appropriate tariff reference and any express exclusions or restrictions to this effect will be deleted from any transfer issuances; (3) applicants have sought temporary authority under 49 U.S.C. 11349 for transferee to lease the rights which was denied by an initial decision of the Review Board. Applicant's representative is: Larry D. Knox, Esq., 600 Hubbell Building, Des Moines, IA

MC-FC-78859. By decision of November 24, 1980 issued under 49 U.S.C. 10931 or 10932 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the transfer to

LYONS' ROARING EXPRESS, INC., of Santa Clara, CA, of Certificate of Registration No. MC-121800 issued November 18, 1977, to NANCY S. LYONS, AN INDIVIDUAL, D/B/A LYONS' ROARING EXPRESS, of Santa Clara, CA, evidencing a right to engage in transportation in interstate commerce corresponding in scope to No. 87230 dated April 19, 1977, issued by the Public Utilities Commission of the State of California, authorizing the transportation of general commodities with named exceptions between points and places within 5 miles of the San Francisco Territory. Applicant's representative is: Philip J. Bovero, 3798A Flora Vista Avenue, Santa Clara, CA 95051. Application for TA has not been filed. Transferee presently holds no authority from the Commission.

MC-FC-78860. By decision of November 19, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the transfer to WESTERN MARINE TRUCKING, INC., of Vancouver, WA, of the operating rights granted in Certificate No. MC-127660 (Sub-Nos. 2 and 4) issued June 26, 1972 and August 7, 1974, respectively, to KENNETH L. EBY of Vancouver, WA. authorizing the transportation of boats, (1) between points in Oregon and Washington, and (2) between points in Oregon and Washington, on the one hand, and, on the other, points in California. Applicant's representative: Steven L. Fuller, 10208 se. French Road, Vancouver, WA 98666.

Notes.—(1) Transferee presently holds no authority from the Commission. (2) TA has not be filed. (3) The application was originally docketed as MC-F-14482F.

(Hearing site: Los Angeles, CA, or Portland, CA) Agatha L. Mergenovich,

Secretary.

[FR Doc-39160 Filed 12-16-80; 8:45 am] BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 386]

Motor Carriers Permanent Authority Decisions; Decision-Notice

Decided: December 10, 1980.

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's Rules of Practice [49 CFR 1100.247]. These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is

published in the Federal Register. Protests (such as were allowed to filings prior to March 1, 1979) will be rejected. A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or (b) where the service is not limited to the facilities of particular shippers, from and

to, or between, any of the involved

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(1) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon. including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dimissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an

applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication.

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duty noted problems (e.gs., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) formerly section 210 of the Interstate

Commerce Act].

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decisionnotice (January 16, 1981) (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with

certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication, or the application

shall stand denied.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill. Member Hill not participating.

Agatha L. Mergenovich,

Secretary.

Note.-All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted

MC 59570 (Sub-47F), filed June 9, 1980. Applicant: HECHT BROTHERS, INC., 2075 Lakewood Road, Toms River, NJ 08753. Representative: Harry C. Maxwell, 510 Arthur Drive, P.O. Box 887, Cherry Hill, NJ 08002. Transporting (1) sand, gravel, silica powder, abrasive materials, bricks, glass beads, reclaimed dust, mined products, sand blasting materials, granules, stones, asphalt mix, plaster mix, gravel mix, mortar mix, minerals, grits, asphalt mix sealer, concrete bonding compounds, pebbles, grinding blocks, building blocks, and slag, and (2) materials, equipment, and supplies used in the manufacture and distribution of the commodities in (1) (except liquid commodities in bulk), between those points in the U.S. in and east of WI, IL, KY, TN, and MS.

MC 13700 (Sub-13F), filed June 29, 1979. Applicant: ROOKS TRANSFER LINES, INC., 650 East 16th St., Holland, MI 49423. Representative: Neil R. Wimbush (same address as applicant). Over regular routes, transporting general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Muskegon and Montague, MI, over U.S. Hwy 31, serving all intermediate points.

Note.—Applicant intends to tack this authority with its existing authority.

MC 29910 (Sub-279F) (Partial Republication), filed July 2, 1980, previously noticed in the FR issues of August 21, 1980, and October 15, 1980. Applicant: ABF FREIGHT SYSTEM, INC., 301 South 11th St., Fort Smith, AR 72901. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Ave., Fort Smith, AR 72902. Over regular

routes, transporting, as pertinent, general commodities (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment).

Note.—The purpose of this second partial republication is to clarify the commodity description.

MC 114211 (Sub-450F), filed February 20, 1980, and previously noticed in FR issue of April 24, 1980. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Kurt E. Vragel, Jr. (same address as applicant). Transporting such commodities as are dealt in or used by manufacturers, dealers, or distributors of agricultural, industrial and construction equipment, between Pendleton, NC, on the one hand, and, on the other points in the U.S. (except AK and HI).

Note.—This republication shows Pendleton, NC, as an origin or destination State in lieu of Pendleton, SC.

MC 134300 (Sub-50F), filed June 26, 1980. Applicant: TRIPLE R EXPRESS, INC., 498 First St., N.W., New Brighton, MN 55112. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Transporting building materials (except commodities in bulk), between Cleveland, OH, and points in IL, IA, MN, NE, ND, SD, and WI.

MC 135741 (Sub-7F), filed February 21, 1980. Applicant: EARL R. MARTIN, INC., P.O. Box 3, East Earl, PA 17519. Representative: J. Bruce Walter, P.O. Box 1146, 410 North Third St., Harrisburg, PA 17108. Transporting dry fertilizer and dry fertilizer ingredients, in bulk, in dump vehicles, from Wilmington, DE, and Baltimore, MD, to points in MD, DE, NJ, NY, and PA, restricted to traffic originating at the named origin and destined to the indicated destinations.

MC 150170 (Sub-2F), filed April 25, 1980. Applicant: METRO SALES CORP., 1921 W. 1st St., P.O. Box 1861, Sanford, FL 32771. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. Transporting (1) such commodities as are dealt in by retail and wholesale nurseries and garden shops (except commodities in bulk), and (2) materials and supplies used in the manufacture and distribution of the commodities in (1), (except commodities in bulk), between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 150430F, filed March 25, 1980. Applicant: MIDLAND TRANSPORT LIMITED, P.O. Box 929, Moncton, New Brunswick, Canada E1C 8N8. Representative: Fritz R. Kahn, Suite

1100, 1660 L St., N.W., Washington, DC 20036. In foreign commerce only, transporting general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (A) over irregular routes, between Fall River, MA, Bar Harbor and Portland, ME, and ports of entry on the international boundary line between the U.S. and Canada, at or near Calais, Vanceboro, Houlton, Ft. Fairfield, Van Buren, Madawaska and Fort Kent, ME, on the one hand, and, on the other, Miami, FL, and points in ME, NH, RI, CT, NY, NJ, VT, MA, and PA, and (B) over regular routes, (1) between Fall River, and Boston, MA, from Fall River over MA Hwy 24 to junction Interstate Hwy 93, then over Interstate Hwy 93 to Boston, and return over the same route, serving no intermediate points, (2) between Boston, MA, and Calais, ME, over U.S. Hwy 1, serving Portland, ME as an intermediate point, and Bangor and Bar Harbor, ME as offroute points, (3) between Bangor and Vanceboro, ME, from Bangor over U.S. Hwy 2 to Lincoln, then over ME Hwy 6 to Vanceboro, and return over the same route, serving no intermediate points, (4) between Calais and Fort Kent, ME, over U.S. Hwy 1, serving Madawaska, Van Buren and Ft. Fairfield as intermediate points, and St. John as an off-route point, (5) between Boston, MA, and Houlton, ME, over Interstate Hwy 95, serving Portland and Bangor, ME as intermediate points, and (6) between Bangor, ME, and junction U.S. Hwy 1 and ME Hwy 9, at or near Baring, ME, over ME Hwy 9, serving no intermediate points.

MC 139440 (Sub-1F), filed June 30, 1980, and previously noticed in FR issue of August 21, 1980. Applicant: HAMMOND YELLOW & CHECKER CAB INC., d.b.a. AIRPORT LIMOUSINE SERVICE, 5850 Calumet Ave... Hammond, IN 46320. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting passengers and their baggage, in the same vehicle with passengers. (a) between Chicago, IL, and points within the Chicago, IL Commercial Zone, and (b) in round-trip charter operations. beginning and ending at points in Lake County, IN, and Cook County, IL, and extending to points in IN, IL, WI, MI, OH, KY, and MO.

Note.—This republication clarifies the type of service being performed.

[FR Doc. 80-39150 Filed 12-16-80; 8:45 am]

BILLING CODE 7035-01-M

Office of Proceedings

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the Federal Register on July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested only on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with application's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With exception of those applications involving duly noted problems (e.gs., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find. preliminarily, that each applicant has domonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49. Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed on or before February 2, 1981 (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. On or before February 17, 1981, an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted othewise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPI-097

Decided: Dec. 10, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill. Member Fortier not participating in part.

MC 145341 (Sub-9F), filed November 24, 1980. Applicant: NORTH CENTRAL, DISTRIBUTING CO., a corporation, P.O. Box 5453, University Station, Fargo, ND 58105. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. Transporting general commodities (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

MC 145461 (Sub-3F), filed November 12, 1980. Applicant: TENNESSEE-TEXAS EXPRESS, INC., P.O. Box 888, Gallatin, TN 37066. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Transporting general commodities (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

MC 150490 (Sub-1F), filed November 18, 1980. Applicant: CONN WEST TRUCKING, INC., 4000 East Rd., Lima, OH 45807. Representative: Richard H. Brandon, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. Transporting general commodities (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

MC 152881F, filed November 18, 1960. Applicant: SAM FINGERMAN DELIVERY SERVICE, INC., 302
Lawrence Road, Medford, MA 02155. Representative: Marshall F. Newman, 50 Congress St., Suite 224, Boston, MA 02109. Transporting shipments weighing 100 pounds or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Volume No. OPI-099

Decided: Dec. 10, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones. MC 116101 (Sub-13F), filed December 1, 1980. Applicant: QUICK AIR FREIGHT, INC., Cargo Bldg., Columbus International Airport, Columbus, OH 43219. Representative: Russell S. Bernhard, 1625 K St., N.W., Washington, DC 20006. Transporting shipments weighing 100 pounds or less, if transported in a vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 152910F, filed November 25, 1980. Applicant: THE HIPAGE COMPANY, INC., 227 East Plume St., Norfolk, VA 23510. Representative: Robert R. Ballard, 3641 King's Lake Dr., Virginia Beach, VA 23452. As a broker in arranging for the transportation of general commodities (except household goods), between points in the U.S.

MC 152991F, filed December 2, 1980. Applicant: ROBERT G. SCHROEDER, SR., d.b.a. R S TRANSPORTS, 16300 S. Vincennes Ave., South Holland, IL 60473. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. As a broker in arranging for the transportation of general commodities (except household goods) between points in the U.S.

Volume No. OP3-106

Decided: Dec. 4, 1980.

By the Commission Review Board Number 1, Members Carleton, Joyce and Jones.

MC 73165 (Sub-536F), filed November 25, 1980. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd St., Birmingham, AL 35222. Representative: R. Cameron Rollins, P.O. Box 11066, Birmingham, AL 35202. Transporting general commodities (except household goods as defined by the Commission and classes A and B explosives), between Allenville, MO and Jordan, KY, on the one hand, and on the other, points in the U.S. (except AK and HI).

Note: The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

MC 124004 (Sub-64F), filed November 25, 1980. Applicant: RICHARD DAHN, INC., 620 West Mountain Road, Sparta, NJ 07871. Representative: Geroge A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *shipments* weighing 100 pounds or less, if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 135524 (Sub-160F), filed November 25, 1980. Applicant: G. F. TRUCKING COMPANY, a corporation, 1028 W. Rayen Ave., P.O. Box 229, Youngstown, OH 44501. Representative: George Fedorisin, 914 Salt Springs Rd., Youngstown, OH 44509. Transporting

general commodities, between
Longbridge, and Simmesport, LA, Cosby,
King City, Grant City, Gentry, Bethany
and Albany, MO, Balaton, MN, Lamoni
and Leon, IA, Mays and Mt. Auburn, IN,
and Medary and Midway, WI, on the
one hand, and, on the other, points in
the U.S.

Note. The purpose of this aplication is to substute motor carrier for abandoned rail service. To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives it will expire 5 years from the date of issuance.

MC 150574 (Sub-1F), filed November 20, 1980. Applicant: HUDSON ARMORED CAR & COURIER SERVICE, INC., Upper North Rd., Highland, NY. Representative: Piken & Piken, Queens Office Tower, 95–25 Queens Blvd., Rego Park, NY 11374. Transporting shipments weighing 100 pounds or less, if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 152815F, filed November 25, 1980. Applicant: EXHIBIT TRANSPORTATION, INC., 2510 Green Bay Road, Evanston, IL 60201. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. As a broker, in arranging for the transportation of general commodities (except household goods), between points in the U.S.

MC 152835F, filed November 25, 1980. Applicant: DK TRANSPORTATION CORPORATION, 2460 Wisconsin Ave., Downers Grove, IL 60515. Representative: Robert J. Gill, First Commercial Bank Bldg., 410 Cortex RD W. Bradenton, FL 33507. As a broker in arranging for the transportation of general commodities (except household goods), between points in the U.S.

Volume No. OP3-109

Decided: Dec. 8, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman.

MC 1924 (Sub-17F), filed November 25, 1980. Applicant: WALLACE-COLVILLE MOTOR FREIGHT, INC., North 400 Sycamore, Spokane, WA 99220. Representative: Henry C. Winters, 525 Evergreen Bldg., Renton, WA 98055. Transporting general commodities (except used households goods, hazardous or secret materials, and sensitive weapons and munitions), for the U.S. Government, between points in the U.S.

MC 135524 (Sub-159F), filed November 25, 1980. Applicant: G. F. TRUCKING COMPANY, a corporation, 1028 W. Rayen Ave., P.O. Box 229, Youngstown, OH 44501. Representative: George Fedorisin, 914 Salt Springs Rd., Youngstown, OH 44509. Transporting general commodities, between Minter City, MS, Albion and Talihina, OK, Setonville, IL, Cheviot and Covedale, OH, Fruitville, FL and Mount Airy, MD, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier for complete abandonment of rail service.

MC 151975 (Sub-2F) filed November 26, 1980. Applicant: DIRECT DELIVERY, INC., 1239 Willingham Dr., East Point, GA 30344. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237. Transporting *shipments* weighing 100 pounds or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 152904F, filed November 26, 1980. Applicant: STEWART LINER TRANSPORTATION CORP., P.O. Box 2718, Newburgh, NY 12500. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1112, Washington, DC 20036. As a broker in arranging for the transportation of general commodities (except household goods), between points in the U.S.

Volume No. OP3-111

Decided: December 8, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman.

MC 152965F, filed December 2, 1980. Applicant: PRONTO EXPEDITED TRUCKING, INC., 660 Sterling St., Toledo, OH 43609. Representative: David Earl Tinker, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036. Transporting shipments weighing 100 poinds or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 152965 (Sub-1F), filed December 2, 1980. Applicant: PRONTO EXPEDITED TRUCKING, INC., 660 Sterling Street, Toledo, OH 43609. Representative: David Earl Tinker, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036. Transporting general commodities (except used household goods, hazardous or secret materials, and sensitive weapons and munitions) for the U.S. Government, between points in the U.S.

Volume No. OP5-080

Decided: December 8, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill. Member Hill not participating. MC 36918 (Sub-15F) filed November 21, 1980. Applicant: FASTWAY TRANSPORTATION, INC., P.O. Box 383, Matawan, NJ 07747. Representative: Michael R. Werner, 167 Fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006. Transporting general commodities (except used household goods, hazardous or secret materials, and sensitive weapons and munitions) for the U.S. Government, between points in the U.S.

MC 150788 (Sub-2F), filed November 24, 1980. Applicant: SPECIAL SERVICE DELIVERY CO. OF MICHIGAN, INC., 10174 Highland Rd., Pontiac, MI 48054. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. Transporting shipments weighing 100 pounds or less, if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 152738 (Sub-1F), filed November 12, 1980. Applicant: GLEN AIR LIMOUSINE SERVICE, INC., 1007 Maple Avenue, Glen Rock, NJ 07452.

Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Transporting shipments weighing 100 pounds or less, if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 152908F, filed November 25, 1980. Applicant: JAMES ROCK and DIANE AUXTINEE, a partnership, d.b.a. INDIAN FREIGHTWAYS, 4948 S. Western Ave., Chicago, IL 60609. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. Transporting general commodities (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

MC 152918F, filed November 28, 1980. Applicant: 804 BROKERAGE, Rt. 1, Box 114, Eureka, MT 59917. Representative: Jed H. Mitchell (same address as above). To engage in operations as a broker, in arranging for the transportation of general commodities, between points in the U.S.

Agatha L. Mergenovich.

Secretary.

[FR Doc. 80-39156 Filed 12-16-80; 8:45 am] BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247.

Special rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed on or before February 2, 1981 (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. On or before February 17, 1981 an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1-096

Decided: December 10, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill. Member Fortier not participating.

MC 11220 (Sub-229F), filed November 25, 1980. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, TN 38101. Representative: James J. Emigh, P.O. Box 59, Memphis, TN 38101. Transporting general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between those points in the U.S. in and east of MN, IA, NE, KS, OK, and TX, restricted to traffic originating at or destined to the facilities of Minnesota Mining and Manufacturing Company or its subsidiaries.

MC 59150 (Sub-185F), filed November 24, 1980. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose St., Jacksonville, FL 32206. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 311 W. Duval St., Jacksonville, FL 32202. Transporting (1) pulp, paper, paper products, lumber products and wood products, and (2) materials, equipment, and supplies used in the manufacture and distribution of the commodities in (1), between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, restricted to traffic originating at or destined to the facilities of Champion International Corporation.

MC 59640 (Sub-87F), filed November 24, 1980. Applicant: PAULS TRUCKING CORPORATION, Three Commerce Drive, Cranford, NJ 07016.

Representative: Michael A. Beam (same address as applicant). Transporting general commodities (except classes A and B explosives, household goods as defined by the Commission and commodities in bulk), between points in the U.S., under continuing contract(s) with Supermarkets General Corporation, of Woodhridge, NJ.

MC 59640 (Sub-88F), filed November 28, 1980. Applicant: PAULS TRUCKING CORPORATION, Three Commerce Drive, Cranford, NJ 07016.

Representative: Michael A. Beam (same address as applicant). Transporting general commodities (except classes A and B explosives and household goods as defined by the Commission), between points in he U.S., under continuing contract(s) with Gallery House, Inc., of Hackensack, NJ.

MC 64820 (Sub-13F), filed November 21, 1980. Applicant: PARADIS TRANSFER & STORAGE, INC., 922 Whitman, P.O. Box 578, Medford, OR 97501. Representative: Kerry D. Montgomery, 400 Pacific Bldg., Portland, OR 97204. Over regular routes, transporting general commodities
(except those of unusual value, classes
A and B explosives, household goods as
defined by the Commission,
commodities in bulk and those requiring
special equipment) between Portland,
OR and the OR-CA state line, over
Interstate Hwy 5, serving intermediate
points and off-route points in Josephine
and Jackson Counties, OR.

MC 85970 (Sub-43F), filed November 24, 1980. Applicant: SARTAIN TRUCK LINE, INC., 1625 Hornbrook St., Dyersburg, TN 38024. Representative: Larry Kilzer (same address as applicant.) Transporting printed matter, from Jessup, MD, to Nashville, TN.

MC 85970 (Sub-44F), filed November 24, 1960. Applicant: SARTAIN TRUCK LINE, INC., 1625 Hornbrook St., Dyersburg, TN 38024. Representative: Larry Kilzer (same address as applicant). Transporting (1) salt and salt products, and (2) materials and supplies used in the manufacture and distribution of the commodities in (1), from points in Lake and Wayne Counties, OH, to points in TN.

MC 87511 (Sub-30F), filed November 25, 1980. Applicant: SAIA MOTOR FREIGHT LINE, INC., PO Box 10157, Station One, Houma, LA 70360. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, PO Box 22567, Jackson, MS 39205. Over regular routes, Transporting general commodities) except those of unusual value, classes A and B explosives. household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points in the parishes of Bienville, Caldwell, Catahoula, Claiborne, Concordia, East Carroll, East Feliciana, Franklin, Grant, Jackson, La Salle, Lincoln, Madison, Morehouse, Ouachita, Richland, St. Helena, St. Tammany, Tangipahoa, Tensas, Union, Washington, Webster, West Carroll, West Feliciana and Winn, LA, as offroute-points in connection with carriers authorized regular-route operations.

MC 105501 (Sub-50F), filed November 24, 1980. Applicant: TERMINAL WAREHOUSE COMPANY, a corporation, 1851 Raddison Rd., N.E., Blaine, MN 54434. Representative: Anthony C. Vance, 1307 Dolley Madison Blvd., McLean, VA 22101. Transporting general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minneapolis, MN, on the one hand, and, on the other, points in WI, ND, SD, MN, and those in IA, on and north of U.S. Hwy 20,

restricted to traffic having a prior or subsequent movement by rail.

MC 106920 (Sub-117F), filed November 25, 1980. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, OH 45869. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001. Transporting foodstuffs, and materials, equipment and supplies used in the manufacture and distribution of foodstuffs, between those points in the U.S., in and east of MT, WY, CO, and NM, restricted to traffic originating at or destined to the facilities of Bordon, Inc.

MC 115730 (Sub-87F), filed October 31, 1980. and previously noticed in Federal Register issue of November 21, 1980. Applicant: THE MICKON CORP., 531 S. W. Sixth St., P.O. Box 1774, Des Moines, IA 50306, Representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, IA 50307. Transporting [1] rubber products, plastic products, clay products, concrete products, glass products, stone products, metal products (except ordnance), machinery, and electrical machinery, and (2) materials and supplies used in the manufacture of the commodities in (1) above, between points in Jefferson and Talladega Counties, AL, Riverside County, CA, Wyandotte County, KS, Boone County. MO, Mahaska County, IA, Cook and DuPage Counties, IL, Boone County, KY, Coshocton and Tuscarawas Counties, OH, and Upshur County, WV, on the one hand, and, on the other, points in the U.S.

Note.—This republication clarifies the commodity description.

MC 115730 (Sub-88F), filed November 16, 1980. Applicant: THE MICKOW CORP., P.O. Box 1774, Des Moines, IA 50306. Representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, IA 50307. Transporting (1) agricultural implements and equipment, (2) industrial and construction equipment, (3) irrigation equipment, (4) drainage systems, (5) stump cutters, log splitters, log chippers, and teee spades, (6) parts, attachments, and accessories for the commodities in (1)-(5), and (7) materials, equipment and supplies used in the manufacture and distribution of the commodities in (1)-(5), between points in Marion County, IA, on the one hand, and, on the other, points in the U.S.

MC 121520 (Sub-1F), filed November 16, 1980. Applicant: ALMOND FREIGHT LINES, INC., 2243 North Central Avenue, Rockford, IL 61103. Representative: Michael S. Varda, 121 South Pinckney St., Madison, WI 53703. Transporting general commodities (except classes A

and B explosives, and household goods as defined by the Commission), (1) between points in Boone, Cook, DeKalb, DuPage, Kane, Lake, McHenry, Ogle, Stephenson, and Winnebago Counties, IL, (2) between points in Boone, Cook, DeKalb, DuPage, Kane, Lake, McHenry, Ogle, Stephenson, and Winnebago Counties, IL, on the one hand, and, on the other, points in Green, Rock, and Walworth Counties, WI, and (3) between points in Boone, Cook, DeKalb, DuPage, Kane, Lake, McHenry, Ogle, and Winnebago Counties, IL, on the one hand, and, on the other, points in IL. Condition: Issuance of a certificate in this proceeding is subject to the coincidental cancellation, at applicant's written request, of its Certificate of Registration in MC-121520.

Note.—The purpose of this application is to convert Certificate of Registration in MC-121520 to a certificate of Public Convenience and Necessity in parts (1) and (3), and also to request an extension of applicant's authority in part (2).

MC 121821 (Sub-12F), filed November 29, 1980. Applicant: TENNESSEE MOTOR LINES, INC., 402 Maple Ave., Nashville, TN 37210. Representative: K. Edward Wolcott, P.O. Box 872, Atlanta, GA 30301. Transporting general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Davidson and Giles Counties, TN.

Note.—Applicant intends to tack the above requested authority with its existing regular-route operations.

MC 124711 (Sub-111F), filed November 25, 1980. Applicant: BECKER CORPORATION, P.O. Box 1050, El Dorado, KS 67042. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. Transporting commodities in bulk, between points in MT, WY, CO, NM, TX, OK, KS, NE, SD, ND, MN, WI, IL, IA, MO, KY, TN, AR, LA, and MS.

MC 128290 (Sub-15F), filed November 24, 1980. Applicant: EARL HAINES, INC., P.O. Box 2557, Winchester, VA 22601. Representative: Bill R. Davis, Suite 101, Emerson Center, 2814 New Spring Rd., Atlana, GA 30339. Transporting personal health and beauty aids, nutritional supplements, home care products, pet feed supplements, pet products and accessories, and cleaning compounds and solutions, between Charlottesville. VA. points in New York, and Albermarle County, VA, Washoe County, NV, Hennepin County, MN, Cook County, IL, Perry County, AL. Crawford County, IA, Harford County, MD, Mecklenburg County NC, Dallas

and Harris Counties, TX, and Dona Ana County, NM.

MC 130341 (Sub-1F), filed December 1, 1980. Applicant: MOTOR CLUB OF IOWA, d.b.a. IOWA WORLD TRAVEL, 2900 AAA Court, Bettendorf, IA 52722. Representative: Werner Schafer-Junger (same address as applicant). As a broker, at Bettendorf, IA, in arranging for the transportation of passengers and their baggage, in special and charter operations, between points in the U.S. (including AK and HI).

MC 133621 (Sub-4F), filed November 25, 1980. Applicant: FRONTIER TRANSPORTATION COMPANY, a corporation, P.O. Box 1654, Anchorage, AK 99519. Representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. Transporting (1) machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and (2) machinery, materials, equipment and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, between Seattle and Tocoma, WA, on the one hand, and, on the other, points in AK.

MC 143280 (Sub-8F), filed November 18, 1980. Applicant: SAFE TRANSPORTATION COMPANY, a corporation, 6834 Washington Ave., So., Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting (1) animal feed ingredients, and (2) materials, equipment, and supplies used in the manufacture and distribution of the commodities in (1), between points in Wyandotte County, KS, and Milwaukee County, WI, on the one hand, and, on the other, points in the U.S.

MC 143701 (Sub-30F), filed November 20, 1980, Applicant: HODGES FREIGHT LINES, INC., P.O. Box 20247, Kansas City, MO 64079. Representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, KS 67202. Transporting foodstuffs, between points in the U.S., restricted to traffic originating at or destined to the facilities of Consolidated Marketing, Inc., or its customers or suppliers.

MC 146320 (Sub-4F), filed November 28, 1980. Applicant: CHARLES A. STOECKLER, INC., 3 Spring St., Wilkes Barre, PA 18702. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. Transporting (1) printed matter, and (2) materials, equipment and supplies used in the manufacture

and distribution of printed matter, between points in the U.S., under continuing contract(s) with Putnam Publishing Group, Berkley/Jove Publishing Group of New York, NY.

MC 146561 (Sub-3F), filed November 13, 1980. Applicant: L.M.T., INC., 15005 Faulkner Rd., Santa Paula, CA 93060. Representative: William J. Monheim. P.O. Box 1756, Whittier, CA 90609. Transporting foodstuffs and materials, equipment, and supplies used in the manufacture and distribution of foodstuffs, (1) between points in WA and ID, on the one hand, and, on the other, points in CA, AZ, UT, (2) between points in WA, on the one hand, and, on the other, points in AZ, CA, NV, OR, and UT, and (3) between points in CA. on the one hand, and, on the other, points in AZ, NV, OR, UT, and WA

MC 146590 (Sub-7F), filed November 26, 1980. Applicant: JOSEPH R. PROSTKO, 1300 Island Ave., McKees Rocks, PA 15136. Representative: Thomas M. Mulroy, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. Transporting general commodities (except household goods as defined by the Commission, and classes A and B explosives), between points in the U.S., under continuing contract(s) with Jones & Laughlin Steel Corporation, of Pittsburgh, PA.

MC 147041 (Sub-1F) filed September 30, 1980, and previously noticed in Federal Register issue of October 14. 1980. Applicant: P. T. C. FREIGHT SYSTEMS, INC., 1051 South Industrial Parkway, Clearfield, UT 84015. Representative: William E. Bird (same address as applicant). Transporting general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Clearfield, Ogden, and Salt Lake City, UT, on the one hand, and, on the other, points in Box Elder, Weber, Davis, Morgan, Salt Lake, Tooele, Utah, and Wasatch Counties, UT, restricted to traffic having a prior or subsequent movement by rail.

Note.—This republication includes restriction omitted from prior publication.

MC 149100 (Sub-6F) filed November 24, 1980. Applicant: JIM PALMER TRUCKING, INC., 9730 Derby Drive, Missoula, MT 59801. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717 17th St., Denver, CO 80202. Transporting iron and steel articles, between points in Pettis County, MO, on the one hand, and, on the other, points in MT, OR, WY, WA, CA, ID, ND, and SD.

MC 150231 (Sub-5F) filed December 2, 1980. Applicant: MAVERICK TRANSPORTATION, INC., 1803 E. Broad St., Texarkana, AR 75502. Representative: Lawrence R. Leahy (same address as applicant). Transporting (1) metal articles, and (2) equipment and supplies used in the manufacture of metal articles (except commodities in bulk), between points in Madison and St. Clair Counties, IL, and St. Charles and St. Louis Counties, MO, on the one hand, and, on the other, points in AL, AR, CO, IA, IL, IN, KS, KY, LA, MI, MN, MO, MS, NE, OH, OK, TN, TX, and WI.

MC 151011 (Sub-2F) filed November 16, 1980. Applicant: VTS TRUCKING, 2676 Orange Ave., Signal Hill, CA 90806. Representative: David P. Christianson, 707 Wilshire Blvd. Suite 1800, Los Angeles, CA 90017. Transporting waste and recyclable materials, between points in the U.S.

MC 151260 (Sub-1F) filed November 20, 1980. Applicant: B & P TRUCK LINES, INC., 103 South Wingate Lane, Chattanooga, TN 37403. Representative: Daniel O. Hands, 205 West Touhy Ave., Suite 200, Park Ridge, IL 60068.

Transporting (1) alcoholic beverages, and (2) such commodities as are dealt in or used by discount department stores and grocery stores, (except commodities in bulk), between Chattanooga, TN, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and TX.

MC 151500 (Sub-1F), filed November 20, 1980. Applicant: CUSACK WHOLESALE MEATS, a corporation, P.O. Box 25111, Oklahoma City, OK 73125. Representative: Greg E. Summy, P.O. Box 1540, Edmond, OK 73034. Transporting meats, meat products, meat byproducts, and articles distributed by meat-packing houses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between points in the U.S., under continuing contract(s) with Rath Packing Co., of Waterloo, IA, and Dubuque Packing Co., of Dubuque, IA.

MC 151991 (Sub-1F), filed October 31, 1980. Applicant: J & R CARRIER'S, 619 Vining St., Celina, OH 45822. Representative: Robert C. Meiring (same address as applicant). Transporting food products, between points in the U.S., under continuing contract(s) with Sharp Canning Co. Inc., of Rockford, OH.

MC 152390 (Sub-3F), filed November 25, 1980. Applicant: MURRAY TRUCKING, INC., P.O. Box 2138-Calcutta Branch, E. Liverpool, OH 43920. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215.
Transporting (1) construction materials, and (2) materials, equipment, and supplies used in the manufacture and distribution of the commodities in (1) above, between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, restricted to traffic originating at or destined to the facilities of The Celotex Corporation.

MC 152710 (Sub-1F), filed November 18, 1980. Applicant: WAUSAU TRANSIT, LTD., P.O. Box 1520 - Hwy 51 S., Wausau, WI 54402. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. Transporting general commodities (except clases A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment and those of unusual value), between points in the U.S., under continuing contract(s) with Wausau-Tile Co., Inc., of Wausau, WI.

MC 152740 (Sub-1F), filed November 24, 1980. Applicant: BRADCO TRUCKING SERVICE, INC., 5330 Cincinnati-Dayton Rd., Middletown, OH 45041. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. Transporting (1) chemicals, paper and paper products, plastic and plastic products, and (2) materials, equipment, and supplies used in the manufacture and distribution of the commodities in (1) (except commodities in bulk), between points in IN, OH, MI, KY, PA TN, IL, WV, and VA, restricted to traffic originating at or destined to the facilities of Union Camp Corporation.

MC 152751F, filed November 21, 1980. Applicant: HUDSON
TRANSPORTATION COMPANY, INC., I-20 Service Road Exit 84, P.O. Box 160, Ruston, LA 71270. Representative: Della Butler Hudson (same address as applicant). Transporting (1) gasoline, diesel fuel, naptha, kerosene, heating oil, and crude oil, in bulk in tank vehicles, and (2) oils, in bulk and in packages, between points in the U.S., under continuing contract(s) with R. W. Hudson Oil Co., Inc., Thor Energy, Inc., and E. Lee Young Co., Inc., all of Ruston, LA.

MC 152891F, filed November 25, 1980. Applicant: WALES TRUCKING, INC., P.O. Box 1156, Lake Wales, FL 33853. Representative: James. E. Wharton, Suite 811, Metcalf Bldg., 100 South Orange Ave., Orlando, FL 32801. Transporting (1) foodstuffs, and (2) materials, equipment, and supplies used in the manufacture and distribution of foodstuffs, between points in FL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Volume No. OP1-098

Decided: Dec. 10, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

MC 200 (Sub-515F), filed December 3, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting general commodities (except household goods as defined by the Commission, and classes A and B explosives), between points in the U.S. Condition: Issuance of a certificate in this proceeding is subject to the coincidental cancellation, at applicant's written request, of its existing certificates in MC 200 (and subs thereunder).

MC 2860 (Sub-211F), filed October 15, 1980, and previously noticed in Federal Register Issue of November 14, 1980.
Applicant: NATIONAL FREIGHT, INC., 71 West Park Ave., Vineland, NJ 08360.
Representative: Gerald S. Duzinski (same address as applicant).
Transporting general commodities (except classes A and B explosives, and household goods as defined by the Commission), between points in the U.S., under continuing contract(s) with Nabisco, Inc., of East Hanover, NJ.

Note.—This republication clarifies the commodity description.

MC 5470 (Sub-232F), filed November 21, 1980. Applicant: TAJON, INC., R.D. 5, Mercer, PA 16137. Representative: Brian L. Troiano, 918–16th St., NW., Washington, DC 20006. Transporting such commodities as are transported in dump vehicles, between those points in the U.S. in and east of MT, WY, CO, and NM.

MC 52460 (Sub-298F), filed December 4, 1980. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, 1420 W. 35th St., Tulsa, OK 74107. Representative: Don E. Kruizinga (same address as applicant). Transporting textiles, from points in NC to points in AL, AR, CO, FL, GA, IL, IA, KS, LA, MS, MO, NM, NE, OK, SC, TN, and TX.

MC 60271 (Sub-17F), filed December 2, 1980. Applicant: HARPER TRUCK LINE, INC., P.O. Box 298, Monore, LA 71201. Representative: Sherri L. Roberts (same address as applicant). Transporting glassware, and glass containers, betweem points in AL, GA, MS, MO, OK, TN, TX, and those in AR on and north of U.S. Hwy 70.

MC 65660 (Sub-16F), filed November 24, 1980. Applicant: WARNER & SMITH MOTOR FREIGHT, INC., 66 Third St., Masury, OH 44438. Representative: C. R. Johnson (same address as applicant). Transporting general commodities except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between those points in PA on and west of U.S. Hwy 219.

Note.—Applicant intends to tack this authority with its existing authority.

MC 75840 (Sub-144F), filed December 1, 1960. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, AL 35202. Representative: Royce Glass (same address as applicant). Transporting paint and paint products, between points in NJ and TX.

MC 84450 (Sub-7F), filed November 24, 1980. Applicant: S. R. T. MOTOR FREIGHT, INC., 1801 South Pennsylvania Ave., Morrisville, PA 19067. Representative: Stephen R. Tranovich (same address as applicant). Transporting (1) footwear and footwear accessories, and (2) materials and supplies used in the distribution of the commodities in (1), between points in Plymouth and Worcester Counties, MA, on the one hand, and, on the other, New York, NY, and Philadephia, PA.

MC 84450 (Sub-8F), filed December 1, 1980. Applicant: S.R.T. MOTOR FREIGHT, INC., 1801 South Pennsylvania Ave., Morrisville, PA 19067. Representative: Stephen R. Tranovich (same address as applicant). Transporting building materials, between points in Davidson County, NC, Lucas County, OH, and Bradford County, PA, on the one hand, and, on the other, points in IL, IN, NC, OH, VA, and WV.

MC 95920 (Sub-69F), filed November 25, 1980. Applicant: SANTRY TRUCKING CO., 10505 N.E. 2nd Ave., Portland, OR 97211. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. Transporting (1) transformers and parts for transformers, (2) materials, equipment, and supplies used in the manufacture of transformers, and (3) plastic molding compound, between points in the U.S., under continuing contract(s) with RTE Corp., of Waukesha, WI. Condition: Issuance of a permit in this proceeding is conditioned upon the coincidental cancellation, at applicant's written request, of its permit in MC 95920 (Sub-59F).

MC 115181 (Sub-46F), filed November 25, 1980. Applicant: HAROLD M. FELTY, INC. R.D. #1, Box 148 Pine Grove, PA 17963 Representative: Lee E. High 541 Penn St. Reading, PA 19601 Transporting steel castings, between points in the Borough of Meyerstown, PA, on the one hand, and on the other, points in the U.S., (except AK and HI).

MC 120260 (Sub-2F), filed November 20, 1980. Applicant: McTYRE TRUCKING COMPANY, INC., 8040 N.W. 95th St., Hialeah Gardens, FL 33016. Representative: Ansley Watson, Jr., 512 N. Florida Ave., P.O. Box 1531, Tampa, FL 33601. Transporting commodities, the transportation of which because of size or weight require the use of special equipment, between points in Monroe, Dade, Broward, Palm Beach, Martin, Indian River, Okeechobee, Brevard, Orange, Seminole, Hillsborough, Polk, Manatee, Hardee, Highlands, DeSoto, Sarasota, Charlotte, Glades, Hendrey, Lee, Collier, and Osceola Counties, FL. Condition: Issuance of a certificate of public convenience and necessity in this proceeding is subject to the coincidental cancellation, at applicant's written request, of Certificate of Registration MC 120260 (Sub-1).

Note.—The purpose of this application is to convert applicant's certificate of registration in MC 120260 (Sub-1), to a certificate of public convenience and necessity.

MC 121811 (Sub-2F), filed November 26, 1980. Applicant: MCCLELLAN'S ENTERPRISES, INC., Highway 41 South, Tifton, GA 31794. Representative: Arthur L. McClellan (same address as applicant). Transporting particleboard between points in Cook County, GA, on the one hand, and, on the other, points, in AL, FL, NC, SC, and TN.

MC 128021 (Sub-48F), filed November 25, 1980. Applicant: DIVERSIFIED TRUCKING CORP., 309 Williamson Ave., Opelika, AL 36801. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. Transporting (1) builders' hardware, and (2) materials, equipment, and supplies used in the manufacture and distribution of builders' hardware, between points in the U.S., under continuing contract(s) with Dexter Lock, Division of Kysor Industrial Corp., of Auburn, AL.

MC 129631 (Sub-81F), filed November 17, 1980. Applicant: PACK TRANSPORT, INC., 3975 South 300 West, Salt Lake City, UT 84107. Representative: C. S. Bate (same address as applicant). Transporting iron and steel articles, between points in Box Elder County, UT, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, WA, and WY.

MC 129951 (Sub-9F), filed November 25, 1980. Applicant: HARLEY I. KEETER, JR., 6379 Valmont Dr., Boulder, CO 80301. Representative: Harley I. Keeter, Jr. (same address as applicant). Transporting ore and ore concentrates, between points in AZ, CA, CO, ID, ND, NM, MT, NV, OK, OR, SD, TX, UT, WA, and WY.

MC 130391 (Sub-1F), filed December 2, 1980. Applicant: HAZEL S. KAY, d.b.a. HAZEL KAY TOURS, 910 Alice Drive, Thomasville, NC 27360. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425—13th St., N.W., Washington, DC 20004. As a broker, at Thomasville, NC, in arranging for the transportation of passengers and their baggage, in special and charter operations, beginning and ending at points in Allamance, Catawba, Forsyth, Guilford, Rockingham, and Stanly Counties, NC, and extending to points in the U.S.

MC 133590 (Sub-33F), filed December 3, 1980. Applicant: WESTERN CARRIERS, INC., P.O. Box 925, Worcester, MA 01613. Representative: David M. Marshall, 101 State St., Suite 304, Springfield, MA 01103. Transporting such commodities as are dealt in or used by a manufacturer or distributor of dry goods, between points in the U.S., under continuing contract(s) with Pellon Corporation of Chelmsford, MA.

MC 133690 (Sub-5F) filed December 3, 1980. Applicant: KINGSWAY DALEWOOD LIMITED, 123 Rexdale Blvd., Rexdale, Ontario, Canada M9W 1P3. Representative: John W. Bryent, 900 Guardian Blvd., Detroit, MI 48226. In foreign commerce only, transporting general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between the port of entry on the international boundary line between the U.S. and Canada at or near Sault Ste. Marie, MI, and Sault Ste. Marie, MI, and Sault Ste. Marie, ON.

MC 134271 (Sub-1F) filed November 28, 1980. Applicant: PRUITT MOVING AND STORAGE COMPANY, a corporation, 800 W. Hardin St., Findlay, OH 45840. Representative: Paul F. Beery. 275 E. State St., Columbus, OH 43215. Transporting such commodities as are dealt in or used by retail grocery stores (except commodities in bulk), between points in Seneca, Wood, and Hancock Counties, OH, on the one hand, and, on the other, points in IL, IN, KY, PA, WV, and the Lower Peninsula of MI.

MC 135070 (Sub-174F) filed November 29, 1980. Applicant: JAY LINES, INC., Box 61467, DFW Airport, TX 75261. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting medical and hospital supplies, between points in the U.S. (except AK and HI).

MC 135070 (Sub-175F) filed December 1, 1980. Applicant: JAY LINES, INC., Box 61467, DFW Airport, TX 75261.
Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501.
Transporting (1) alcoholic beverages, and (2) materials, equipment, and

supplies used in the manufacture and distribution of the commodities in [1] above, (except commodities in bulk, in tank vehicles), between Ft. Smith, AR, Louisville and Bardstown, KY, New Orleans, LA, Scobeyville, NJ, and Plainfield, IL, on the one hand, and, on the other, points in the U.S.

MC 139780 (Sub-1F) filed December 5, 1980. Applicant: AMERICAN SECURITY STORAGE OF ANNAPOLIS, INC., 11 Hudson St., Annapolis, MD 21401. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Transporting household goods, as defined by the Commission, between those points in the U.S. in and east of OH, KY, TN, and GA.

MC 142051 (Sub-6F), filed December 1, 1980. Applicant: MOYER PACKING TRANSPORTATION COMPANY, d.b.a. V & J DERSTINE, P.O. Box 395, Allentown Road, Souderton, PA 18964. Representative: Edwin L. Scherlis, Suite 420, 1315 Walnut, Philadelphia, PA 19107. Transporting hides, tallow, feather meal, blood, blood meal, bakery meal, animal, fat, offal, meat meal, fat, and bones, between the facilities of Moyer Packing Company, at points in PA, on the one hand, and, on the other, points in DE, FL, GA, IN, IL, MA, MI, NC, NH, SC, VT, WI, IA, MN, MS, AR, KY, TN, AL, LA, NE, KS, OK, TX, MO, and DC, under continuing contract(s) with North Penn Hide Company, Division of Moyer Packing Company, of Souderton, PA.

MC 146050 (Sub-3F), filed December 1, 1980. Applicant: ALPHA & OMEGA TRANSPORT, INC., P.O. Box 31004, Charlotte, NC 28231. Representative: Eric Meierhoefer, Suite 423, 1511 K St., N.W., Washington, DC 20005. Transporting foodstuffs, between Chicago, IL, on the one hand, and, on the other, points in NC, SC, GA, and FL.

MC 146480 (Sub-2F), filed December 4, 1980. Applicant: AURORA TRUCKING, INC., 1045 Moneta, Aurora, OH 44202. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215. Transporting iron and steel articles, aluminum and aluminum articles, and non-ferrous metals, (except commodities in bulk), between points in the U.S., under continuing contract(s) with Castle Metals, A.M. Castle & Company, of Bedford Heights, OH. Condition: Issuance of a permit in this proceeding is subject to the coincidental cancellation, at applicant's written request, of Permit No. MC 146480.

MC 146590 (Sub-6F); filed November 13, 1980. Applicant: JOSEPH R. PROSTKO, 1300 Island Ave., McKees Rocks, PA 15136. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. Transporting general commodities (except classes A and B explosives and household goods as defined by the Commission), between points in the U.S., under continuing contract(s) with (1) Colt Industries, Inc., Colt Industries Operating Corp., Cental Moloney, Inc., Crucible, Inc., and Garlock, Inc., all of New York, NY, (2) Menasco, Inc., of Burbank, CA, and (3) Stemco, Inc., of Longview, TX.

MC 148370 (Sub-16F), filed December 4, 1980. Applicant: TRAFIK SERVICES, INC., 25 Esten Ave., Pawtucket, RI. Representative: A. Joseph Mega (same address as applicant). Transporting (1) plastic articles, and (2) materials and supplies used in the manufacture of plastic articles, between points in the U.S., under continuing contract(s) with Superior Plastic Products Co., of Cumberland, RI.

MC 146370 (Sub-17F), filed December 4, 1980. Applicant: TRAFIK SERVICES, INC., 25 Esten Ave., Pawtucket, RI 02860. Representative: A. Joseph Mega (same address as applicant).

Transporting general commodities (except classes A and B explosives and household goods as defined by the Commission), between points in the U.S., under continuing contract(s) with Benny's Inc., of Esmund, RI.

MC 150111 (Sub-1F), filed November 24, 1980. Applicant: ILLINI TRANSPORTS, INC., P.O. Box 249, Beardstown, IL 62618. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701Transporting meat, meat products, and articles distributed by meat-packing houses, between Beardstown, IL, Goodlettsville, TN.

MC 152551 (Sub-1F), filed November 25, 1980. Applicant: TRIPLE R TRANSPORT, INC. 3540 S. W. 46th Ave., Ft. Lauderdale, FL 33314 Representative: Norman J. Bolinger, 3100 University Blvd. S., suite 225, Jacksonville, FL 32216. Transporting (1) iron and steel articles, and (2) materials, equipment, and supplies used in the manufacture and distribution of the commodities in (1) above, between points in the U.S., under continuing contract(s) with Hubbell Steel Corporation of Franklin Park, IL.

MC 152990F, filed December 3, 1980. Applicant: R. J. GUERRERA, INC., 100 Kissewaug Rd., Middlebury, CT 06762. Representative: Paul J. Goldstein, 109 Church St., New Haven, CT 06510. Transporting liquid petroleum products and liquid chemicals, in bulk, in tank vehicles, between poinst in CT, DE, MA, NJ, NY, PA, and RI.

MC 153000F, filed December 2, 1980. Applicant: INDUSTRIAL PLANT SERVICE, INC., 1610 Circle Ave., South Bend, IN 46627. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting scrap, in containers, between points in IN and MI.

Freight-Forwarder

FF-341 (Sub-8F), filed November 19, 1980. Applicant: RYDER FORWARDING, INC., 2050 Kings Rd., Jacksonville, FL 32209. Representative: John C. Bradley, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209. As a freight forwarder in connection with the transporting of general commodities (except classes A and B explosives and household goods as defined by the Commission), (1) between those points in the U.S. in and east of MN, WI, IL, MO, TN, and MS, and (2) between those points in the U.S. in and east of MN, WI, IL, MO, TN, and MS, on the one hand, and, on the other, those points in the U.S. west of MN, WI, IL, MO, TN, and MS (including AK and HI).

Volume No. OP2-175

Decided: December 4, 1980.

By the Commission, Review Board Number

1. Members Carleton, Joyce and Jones.

MC 2202 (Sub-64OF), filed October 23, 1980. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Boulevard., Akron, OH 44309. Representative: William O. Turney, 7101 Wisconsin Avenue, Suite 1010, Washington, DC 20014. Transporting general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), I. Regular routes: (1) between Sacramento, CA and Marysville, CA, over CA Hwy 70; (2) between Sacramento, CA and Yuba City, CA, over CA Hwy 99; (3) between Sacramento, CA and Roseville, CA, over Interestate Hwy 80; (4) between San Rafael, CA and junction CA Hwys 29 and 37: from San Rafael over U.S. Hwy 101 to junction CA Hwy 128, then over CA Hwy 128 to junction CA Hwy 29, then over CA Hwy 29 to junction CA Hwy 37, and return over the same route; (5) between Napa, CA and junction CA Hwys 121 and 37, over CA Hwy 121 to junction CA Hwy 37; (6) between Monte Rio, CA and junction CA Hwys 12 and 121: from Monte Rio over CA Hwy 118 to junction CA Hwy 12, then over CA Hwy 12 to junction CA Hwy 121, and return over the same route; (7) between Merced, CA and Fresno, CA: from Merced over CA Hwy 140 to junction CA Hwy 33, then over CA Hwy 33 to junction CA Hwy 180, then over CA Hwy 180 to Fresno, and return over the

same route; (8) between Swanton, CA and Carmel Valley, CA: from Swanton over CA Hwy 1 to junction CA Hwy G16, then over CA Hwy G16 to Carmel Valley, and return over the same route: (9) between the junction CA Hwys 152 and 156 and junction CA Hwys 152 and 1: from junction CA Hwys 152 and 156 over CA Hwy 152 to junction CA Hwy 1, and return over the same route; [10] between junction CA Hwy 156 and 152 and junction CA Hwys 129 and 152: from junction CA Hwy 156 and 152 over CA Hwy 156 to junction CA Hwy 129, then over CA Hwy 129 to junction CA Hwy 152, and return over the same route; (11) between Visalie, CA and junction CA Hwys 190 and 99: from Visalia over CA Hwy 198 to junction CA Hwy 65, then over CA Hwy 65 to junction CA Hwy 190, then over CA Hwy 190 to junction CA Hwy 99, and return over the same route; (12) between junction CA Hwy 1 and U.S. Hwy 101 near Gavista, CA and Los Alamos, CA: from junction CA Hwy 1 and U.S. Hwy 101 near Gavista, over CA Hwy 1 to junction CA Hwy 135, then over CA Hwy 135 to Los Alamos, and return over the same route; (13) between junction CA Hwy 111 and Interstate Hwy 10 near White Water, CA and junction CA Hwy 111 and Interstate Hwy 10 near Indio, CA: from junction CA HWY 111 and Interstate Hwy 10 near White Water, over CA Hwy 111 to junction Interstate Hwy 10 near Indio. and return over the same route; (14) between Escondida and Oceanside, CA: from Escondida over CA Hwy S6 to junction CA Hwy 76, then over CA Hwy 76 to Oceanside, and return over the same route: (15) between Murrieta and Escondida, CA, over Interstate Hwy 15; (16) between junction CA Hwy S13 and Interstate Hwy 15 and CA Hwys S13 and 76: from junction CA Hwy S13 and Interstate Hwy 15 over CA Hwy S13 to junction CA Hwy 76, and return over the same route; (17) between Pueblo and Colorado Springs, CO: from Pueblo over U.S. Hwy 50 to Canon City, then over CO Hwy 120 to junction CO Hwy 15, then over CO Hwy 115 to Colorado Springs, and return over the same route; [18] between Ontario and Nyssa, OR, over OR Hwy 201. II. Irregular routes: between points in Sacramento County. CA; Boulder, Douglas, El Paso, Jefferson, Larimer, Mesa, Pueblo, Teller, and Weld Counties, CO: Ada, Bannock, Bingham, Bonneville, Canyon, Cassia, Gem, Gooding, Jefferson, Jerome, Kootenai, Latah, Lewis, Lincoln, Madison, Minidoka, Nez Perce, Fayette, Power, Twin Falls, and Washington Counties, ID; Deer Lodge, Jefferson, Lewis & Clark, Powell, and Silverbow Counties, MT: Clark and Storey Counties, NV; Benton,

Clarkamas, Clatsap, Columbia, Douglas, Jackson, Josephine, Lane, Linn, Marion, Multnomah, Polk, Washington, and Yamhill Counties, OR; Box Elder, Cache, Davis, Juab, Morgan, Salt Lake, Tooele, Utah and Weber Counties, UT; Asotin, Benton, Clark, Chelan, Cowlitz, Franklin, Garfield, Grays Harbor, Island, King, Kitsap, Kittitas, Lewis, Mason, Pierce, Skagit, Snohomish, Spokane, Thurston, Walla Walla, Whatcom, and Yakima Counties, WA: and Albany, Laramie, and Natrona Counties, WY.

MC 107012 (Sub-608F), filed November 17, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Stephen C. Clifford (same address as applicant). Transporting parts, materials, and supplies used in the manufacture and distribution of hot water heaters, between Chicago, IL and Montgomery, AL.

MC 107912 (Sub-34F), filed November 20, 1980. Applicant: REBEL MOTOR FREIGHT, INC., 3934 Homewood Rd., Memphis, TN 38118. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Transporting general commodities (except household goods as defined by the Commission and classes A and B explosives), serving Como, MS as an off-route point in connection with applicant's otherwise authorized regular-route operations.

MC 107012 (Sub-611F), filed November 13, 1980. Applicant: NORTH
AMERICAN VAN LINES, INC., 5001
U.S. Highway 30 West, P.O. Box 988,
Fort Wayne, IN 46801. Representative:
David D. Bishop (same address as applicant). Transporting (1)(a) windows and doors, and (b) accessories for windows and doors, and (2) parts, materials, and supplies used in the manufacture of the commodities in (1) above, between points in the U.S., restricted to traffic originating at or destined to the facilities of Rolscreen Company.

MC 111432 (Sub-8F), filed November 17, 1980. Applicant: FRANK J. SIBR & SONS, INC., 5240 West 123rd Place, Alsip, IL 60658. Representative: Douglas G. Brown The INB Center-Suite 555, One North Old State Capitol Plaza, Springfield, IL 62701. Transporting chemicals, between points in the U.S., under continuing contract(s) with Clark Chemical Corp., of Blue Islane, IL.

MC 115793 (Sub-33F), filed September 29, 1980. published in the Federal Register issue of October 9, 1980, and republished, as corrected, this issue. Applicant: CALDWELL FREIGHT LINES, INC., P.O. Box 620 Hwy 321 S, Lenoir, NC 28645. Representative: C.

Douglas Woods (same address as applicant). Transporting new furniture, from points in Lee and Beaufort Counties, NC, to points in KY, MO, and TN, and points in Caldwell and Catawba Counties, NC. The purpose of this republication is to correct the territorial description.

MC 120302 (Sub-3F), filed October 21, 1980. Applicant: KNOX TRUCK LINES, INC., P.O. Box 1228, Grand Prairie, TX 75051. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. Transporting iron and steel articles, between points in TX, on the one hand, and, on the other, points in AL, AR, CO, KS, LA, NM, OK, and TX.

MC 125952 (Sub-51F), filed November 21, 1980. Applicant: INTERSTATE DISTRIBUTOR CO., a corporation, 8311 Durango St., S.W., Tacoma, WA 98499. Representative: George R LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. Transporting (1) hardboard, lumber, and doors, and (2) industrial chemicals, cleaning compounds, fertilizers, paper bags, upholstery materials, feed, insecticides, weed killer, baler twine, pumps, compressed gasses and acids, paraffin wax, and petroleum oils in drums and packages (except commodities in bulk), between points in the U.S., under continuing contract(s) with (1) above Vancouver Door Co., of Puyallup, WA, and (2) above, Van Waters & Rogers, of Portland, OR.

MC 125973 (Sub-4F), filed November 21, 1980. Applicant: CROWN WAREHOUSE TRANSPORTATION COMPANY, INC., 710 E. 9th Ave., Gary, IN 46401. Representative: Jack H. Blanshan, 205 West Touhy Ave., Suite 200, Park Ridge, IL 60068 Transporting chemicals, between points in the U.S., under continuing contract(s) with General Fire Extinguisher Corporation, of Northbrook, IL.

MC 131063F, filed November 12, 1980. Applicant: TRIAD TOURS, P.O. Box 2202, Thomasville, NC 27360. Representative: Frances B. Bryant (same address as applicant). As a broker, at Forsyth, Davidson, Guilford, and Randolph Counties, NC, in arranging for the transportation, by motor vehicle, of passengers and their baggage, in special and charter operations. beginning and ending at points in Forsyth, Davidson, Guilford, and Randolph Counties, NC, and extending to points in the U.S. including AK, but excluding HI.

MC 136363 (Sub-23F), filed November 19, 1980. Applicant: J & P PROPERTIES, INC., P.O. Box 1146, Apopka, FL 32703. Representative: James E. Wharton, Suite 811, Metcalf Bldg., 100 South Orange Ave., Orlando, FL 32801. Transporting (1) food or kindred products, as described in Item 20 of the Standard Transportation Commodity Code Tariff, and (2) materials, equipment, and supplies used in the manufacture and distribution of the commodities in (1) above, between points in FL, on the one hand, and, on the other, points in NY, MS, VT, RI, and NJ.

MC 138322 (Sub-27F), filed November 13, 1980. Applicant: BHY TRUCKING, INC., 9231 Whitmore St., El Monte, CA 91733. Representative: Bobbie F. Albanese, 13215 E. Penn St., Suite 310, Whittier, CA 90602. Transporting composition board and lumber products, between points in Los Angeles County, CA, Orleans County, LA, Baltimore County, MD, Charleston County, SC, and Galveston County, TX, on the one hand, and, on the other, points in the U.S.

MC 139193 (Sub-120F), filed November 25, 1980. Applicant: ROBERTS & OAKE, INC., 4240 Blue Ridge Blvd., Kansas City, MO 64133. Representative: Terrence D. Jones, 2033 K Street, NW., Washington, DC 20006. Transporting food and kindred products, as described in Item 20 of the Standard Transportation Commodity Code, and materials, equipment and supplies used in the manufacture and distribution of food and kindred products, between points in the U.S. under a continuing contract(s) with Bunge Edible Oil Corporation, of Kankakee, IL.

MC 151703 (Sub-3F), filed November 16, 1980. Applicant: NORSUB, INC., R.D. No. 1, Box 317, Evans City, PA 16033. Representative: John A. Pillar, 1500 Bank Tower, 307 4th Ave., Pittsburgh, PA 15222. Transporting general commodities (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S., under continuing contract(s) with Jones & Laughlin Steel Corporation, of Pittsburgh, PA.

MC 140833 (Sub-3F), filed November 21, 1980. Applicant: CLENGARRY TRANSPORT, LIMITED; Highway 34, Alexandria, Ontario, Canada KOC 1AO. Representative: Robert L. Boxer, 900 Midtown Tower Rochester, NY 14604. Transporting general commodities, between points in Albany, Schenectady, Saratoga, Warren, Essex, and Clinton Counties, NY in foreign commerce. Condition: Any certificate issued in this proceeding shall be limited to in term to a period expiring 5 years from its date of issuance.

Note.—The person or persons who appear to be engaged in common control with another carrier, must either file an application under 49 U.S.C. 11343(a), or submit an affidavít indicating why such approval is unnecessary.

MC 144303 (Sub-24F), filed November 18, 1980. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O.Box 1048, Fletcher, NC 28732. Representative: Charles Ephraim, 406 World Center Bldg., 918 16th St. NW, Washington, DC 20006. Transporting (1) heating equipment and air conditioning equipment, and (2) materials, equipment and supplies used in the manufacture and distribution of the commodities in (1) above, between points in the U.S., under continuing contract(s) with Central Air Conditioning Department, Air Conditioning Division, The General Electric Company, Schenectady, NY.

MC 147743 (Sub-2F), filed November 12, 1980. Applicant: GEMINI TRANSPORT, INC., Nashville Avenue Wharf, New Orleans; LA 70115. Representative: Martin Sterenbuch, Esq., 1919 Pennsylvania Ave., NW., Suite 200 Washington, DC 20006. Transporting (1) general commodities (except household goods as defined by the Commission, classes A and B explosives), in containers or in trailers, having an immediately prior or subsequent movement by rail or water, between points in Orleans Parish, LA, Mobile County, AL, Balwin County, AL, Harris County, TX, and Galveston County, TX on the one hand, and, on the other, points in AL, LA, MO, MS, TN and TX, and (2) empty containers, trailers, and trailer chassis, between the points described in (1) above.

MC 148503 (Sub-3F), filed November 18, 1980. Applicant: BERKSHIRE CHEMICAL HAULERS, INC., 1 Cook Street, P.O. Box 802, Adams, MA 01220. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108. Transporting petroleum products, in bulk, from points in Albany and Rensselaer Counties, NY, to points in Berkshire County, MA.

MC 150472 (Sub-1F), filed November 13, 1980. Applicant: STRAINS TRANSPORTATION COMPANY, a corporation, P.O. Box 800, Renton, WA 98055. Representative: Michael A. Jonson, 300 Central Bldg., Seattle, WA 98104. Transporting (1) compressed gases and cyrogenic liquids, and (2) equipment and accessories used in the manufacture and distribution of the commodities in (1) above, between points in the U.S., under continuing contract(s) with Air Products and Chemicals, Inc., of El Segundo, CA.

Note.—Any certificate to be issued in this proceeding will be limited in point of time to a period expiring 5 years from the date of issuance.

MC 150522 (Sub-1F), filed November 16, 1980. Applicant: VIRGINIAN ELECTRIC COMPANY, d.b.a. VIRGINIAN POWER TRANSPORT, 530 29th St., Parkersburg, WV 26101. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. Transporting general commodities (except household goods as defined by the Commission and classes A and B explosives), between points in WV, on the one hand, and, on the other, those points in the U.S., in and east of MN, IA, MO, OK, and TX.

MC 151381 (Sub-1F), filed November 16, 1980. Applicant: NICKELL TRUCKING CO., INCORPORATION. 4901 West 51st St., Tulsa, OK 74107. Representative: Fred Rahal, Jr., Suite 305, Reunion Center, 9 East Fourth St., Tulsa, OK 74103. Transporting (A)(1) steel articles and (2) materials, equipment and supplies used in the manufacture and distribution of steel articles, between points in the U.S., under continuing contract with John A. Gulick, Inc., of Tulsa, OK; (B)(1) louvers, dampers, shutters, iron and steel articles, gas turbine silencers, and (2) materials and supplies used in the manufacture of the commodities named in (B)(1) above, between points in the U.S., under continuing contract with the Dunlap Manufacturing Company, of Tulsa, OK: and (C)(1) paint booth, paint ovens, washer assemblies, dip tanks, incinerators, paint finishing systems, with parts and accessories and (2) materials and supplies used in the production and erection of the commodities named in part (1) above, between points in the U.S., under continuing contract(s) with Schweitzer Industrial Corporation, of Madison Heights, MI.

MC 151742 (Sub-2F), filed November 16, 1980. Applicant: TEAM
TRANSPORT, INC., 132 Phillips Avenue, Niles, OH 44446. Representative: Samuel P. DeLisi, Esq., 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. Transporting general commodities (except household goods as defined by the Commission, and classes A and B explosives), having a prior or subsequent movement by rail or water, between points in PA, WV, and OH, on the one hand, and, on the other, points in IL, IN, OH, MO, VA, and MI.

MC 151793 (Sub-1F) filed November 18, 1980. Applicant: MUSIC CITY TRUCKING, INC., 620 N. Dickerson Rd., Goodletsville, TN 37072. Representative: Henry E. Seaton, 929 Pennsylvania Bldg, 425 13th St. NW., Washington, DC 20004. Transporting (1) printed matter, from Nashville, TN, to St. Paul, MN, Detroit, MI, Milwaukee, WI, and points in AR,

CA, CO, ID, IL, IN, KS, LA, MO, MS, NM, NV, OH, OK, OR, TX, UT, and WA, and (2) materials, equipment, and supplies used in the manufacture and distribution of printed matter, in the reverse direction.

MC 151863 (Sub-1F) filed November 20, 1980. Applicant: TRI STATE SAUSAGE PRODUCTS INC., Box 1411 Dewey Street, Wakefield, MI 49968. Representative: William J. Bolognesi, P.O. Box 705, Iron Mountain, MI 49801. Transporting boxed beef, in vehicles, equipped with mechanical refrigeration, from Kenosha, WI, to the facilities of Peet Packing Company at Bay City, MI.

MC 152652F, filed November 13, 1980. Applicant: BELMONT MOVING AND STORAGE CORP., 321 East Illinois, Evansville, IN 47711. Representative: David V. Miller, P.O. Box 3261, Evansville, IN 47731. Transporting general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Evansville, IN, on the one hand, and, on the other, points in the U.S.

MC 152663F, filed November 12, 1980. Applicant: ISC TRANSYSTEMS, INC., 100 Jericho Quadrangle, Jericho, NY 11753. Representative: Larsh B. Mewhinney, 555 Madison Ave., New York, NY 10022. Transporting A(1) building hardware, (2) lighting fixtures and components, (3) foundry products, (4) metal windows and metal doors, (5) intravenous feeding systems, (6) mail boxes and (7) supplies used in the manufacture and distribution of the commodities in A(1) thru (6) above, between points in the U.S., under continuing contract(s) with Buildex Incorporated, of Huntington, NY; B(1) building materials, and (2) supplies used in the manufacture and distribution of the commodities in B(1) above, between points in the U.S., under continuing contract(s) with Trio Industries, Inc., of Shelton, CT; and C(1) pipe support systems, components, and hardware, and (2) supplies used in the manufacture and distribution of the commodities in C(1) above, between points in the U.S., under continuing contract(s) with F&S Central Manufacturing Corp., of Brooklyn, NY.

MC 152842F, filed November 26, 1980. Applicant: LEL TRUCKING, INC., 13447 Tiger Valley Rd., Danville, OH 43014. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. Transporting silica sand in bags, between points in Knox County, OH, on the one hand, and, on the other, points

in IL, IN, KY, MD, MI, NY, PA, TN, VA, WV, WI and DC.

Volume No. OP3-108

Decided: December 8, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton, and Liberman.

MC 1494 (Sub-29F), filed November 26, 1980. Applicant: GROSS COMMON CARRIER, INC., 660 West Grand Ave., Wisconsin Rapids, WI 54494. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102. Over regular routes, transporting general commodities (except household goods as defined by the Commission, and classes A and B explosives), (1) Between Minneapolis, MN and Tomah, WI, (a) over U.S. Hwy 12, and (b) over Interstate Hwy 94; (2) Between junction WI Hwy 29 and U.S. Hwy 12, and Wausau, WI Hwy 29 and U.S. Hwy 12, and Wausau, WI, over WI Hwy 29; (3) Between Chippewa Falls, and Eau Claire, WI, over U.S. Hwy 53; (4) Between Wausau and Stevens Point. WI, over U.S. Hwy 51; (5) Between junction U.S. Hwys 10 and 12 near Osseo, WI and Stevens Point, WI. over U.S. Hwy 10; (6) Between Abbotsford, WI, and junction WI Hwy 13 and U.S. Hwy 10, over WI Hwy 13, serving in connection with routes (1) through (6) above, all intermediate points.

Note.—Applicant intends to tack this authority with its existing authority.

MC 30844 (Sub-708F), filed November 25, 1980. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 4616 E. 67th St., Tulsa, OK 74121. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting (1) lawn and garden equipment, and (2) materials, equipment, and supplies used in the manufacture of the commodities named in (1) above, between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities used by Melnor Industries.

MC 30844 (Sub-707F), filed November 25, 1980. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 4616 E. 67th St., Tulsa, OK 74121. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting (1) deodorants, disinfectants, breath fresheners, cleaning compounds. swimming pool water treatment compounds, scouring pads, and insecticides; and (2) materials, equipment and supplies used in the manufacture, sale, and distribution of the commodities in (1) above, between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities used by Airwick Industries, Inc.

MC 34454 (Sub-3F), filed September 23, 1980, previously noticed in the FR on October 20, 1980. Applicant: GORMLEY MOTOR TRANSPORTATION, INC., 397 Riverside Ave., Medford, MA 02155. Representative: Paul V. Gormley (same address as applicant). Transporting general commodities (except classes A and B explosives, and household goods as defined by the Commission), between points in Cheshire, Hillsboro, Merrimac, Rockingham, and Stratford Counties, NH, and those in CT, MA, RI, NJ, and NY.

Note.—This republication corrects the territorial description.

MC 52704 (Sub-288F), filed October 15, 1980, previously noticed in the Federal Register on November 4, 1980. Applicant: GLENN MCCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting (1) salt and salt products, and (2) materials, equipment, and supplies used in the manufacture and distribution of salt and salt products, between points in Harris and Ft. Bend Counties, TX, on the one hand, and, on the other, points in AR. LA, and OK.

Note.—This republication corrects the territorial description.

MC 67234 (Sub-33F), filed November 25, 1980. Applicant: UNITED VAN LINES, INC., One United Drive, Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105. Transporting used automobiles, in truckaway service, between points in the U.S. (except AK and HI).

MC 105424 (Sub-1F), filed November 21, 1980. Applicant: PLAGGE TRUCK LINE, INC., 251 18th St. SE., Mason City, IA 50401. Representative: Steven C. Schoenebaum, 1200 Register & Tribune Bldg., Des Moines, IA 50309. Transporting sugar (except liquid in bulk), between points in the U.S., under continuing contract(s) with International Distributing Corp., of St. Louis, MO.

MC 109365 (Sub-43F), filed November 20, 1980. Applicant: A & P TRUCK LINE, INC., P.O. Box 15, Highway 71 North, Ashdown, AR 71822. Representative: Thomas B. Staley, 1550 Tower Bldg., Little Rock, AR 72201. Transporting (1) forest products, lumber and lumber products, timber, crossties, insulation sheets, gypsum wallboard, paper products, laminated wood products, and building materials, and (2) materials, equipment, and supplies used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk, in tank vehicles).

between points in the U.S., under continuing contract(s) with Weyerhaeuser Company, of Hot Springs, AR.

MC 114604 (Sub-118F), filed November 21, 1980. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, State Farmers Market #33, Forest Park, GA 30050. Representative: Jean E. Kesinger (same address, as applicant). Transporting malt beverages from Detroit, MI, and Perrysburg, OH, to points in MI, MO, IL, IN, OH, PA, KY, WV, VA, AR, TN, NC, LA, MS, AL, SC, GA, and FL.

MC 121805 (Sub-12F), filed November 24, 1980. Applicant: ARKANSAS EXPRESS, INC., 1200 Arkansas Ave., North Little Rock, AR 72114. Representative: James M. Duckett, 411 Pyramid Life Bldg., Little Rock, AR 72201. Transporting general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Gateway, AR, and the AR-OK State line, over U.S. Hwy 62; (2) Between Fort Smith and Sulphur Springs, AR: From Fort Smith over Interstate Hwy 540 to junction Interstate Hwy 40, then over Interstate Hwy 40 to junction AR Hwy 59, then over AR Hwy 59 to Sulphur Springs, and return over the same route; (3) Between Maysville, AR, and junction AR Hwy 72 and U.S. Hwy 62, over AR Hwy 72, serving the hwy junction for purposes of joinder only; (4) Between Siloam Springs and Alpena, AR, over AR Hwy 68; [5] Between junction AR Hwys 12 and 43 and junction AR Hwy 264 and U.S. Hwy 71: From junction AR Hwys 12 and 43 over AR Hwy 12 to junction AR Hwy 264, then over AR Hwy 264 to junction U.S. Hwy 71, and return over the same route, and serving the hwy junctions for purposes of joinder only; (6) Between Fayetteville and Huntsville, AR: From Fayetteville over AR Hwy 16 to junction AR Hwy 74, then over AR Hwy 74 to Huntsville, and return over the same route; (7) Between Siloam Springs and Favetteville, AR, over AR Hwy 16; (8) Between Fort Smith, AR, and the AR-MO State line: From Fort Smith over Interstate Hwy 540 to junction Interstate Hwy 40, then over Interstate Hwy 40 to junction U.S. Hwy 71, then over U.S. Hwy 71 to the AR-MO State line, and return over the same route; (9) Between junction AR Hwy 102 and U.S. Hwy 71 and the AR-OK State line, over AR Hwy 102, and serving the hwy junction for purposes of joinder only; (10) Between Siloam Springs, AR, and the AR-MO State line, over AR Hwy 43; (11)

Between Eureka Springs and Huntsville, AR, over AR Hwy 23; (12) Between Berryville, AR, and junction AR Hwys 21 and 68, over AR Hwy 21, serving the hwy junction for purposes of joinder only; (13) Between Fayetteville and Bentonville, AR, over AR Hwy 112; (14) Between Hiwasse and Pea Ridge, AR: From Hiwasse over AR Hwy 279 to junction AR Hwy 340, then over AR Hwy 340 to junction AR Hwy 94, then over AR Hwy 94 to Pea Ridge, and return over the same route; serving all intermediate points in routes (1) thru (14) above.

Note.—Applicant intends to tack this authority with its existing authority.

MC 123294 (Sub-90F), filed November 25, 1980. Applicant: WARSAW TRUCKING CO., INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: Sterling W. Hygema (same address as applicant). Transporting (1) Paper and paper products, and (2) materials, equipment and supplies used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between Kansas City, KS, and Omaha, NE, and points in IL, IN, IA, KY, MI, MN, MO, OH, PA, TN, and WI.

MC 126305 (Sub-152F), filed November 26, 1980. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., RFD 1. Box 18, Clayton, AL 36016. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting (1) traffic control products, pavement marking compounds, and ballotini, and (2) materials, equipment and supplies used in the manufacture, sale, distribution, and installation of the commodities in (1) above (except commodities in bulk), between the facilities of Pave-Mark Corporation, in Cobb County, GA, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 127115 (Sub-21F), filed November 24, 1980. Applicant: MILLERS TRANSPORT, INC., 510 West 4th North, Hyrum, UT 84319. Representative: Bruce W. Shand, 430 Judge Bldg., Salt Lake City, UT 84111. Transporting iron and steel articles, between points in the U.S., under continuing contract(s) with Nucor Steel, a Division of Nucor Corporation, of Salt Lake City, UT.

MC 133805 (Sub-63F), filed November 25, 1980. Applicant: LONE STAR CARRIERS, INC., Rt. 1, Box 48, Tolar, TX 76476. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. Transporting paint and caulking compounds, and materials, equipment and supplies used in the manufacture of paint and caulking compounds (except commodities in

bulk), between the facilities of United Coatings, Inc., at (a) Memphis, TN, and (b) Indianapolis, IN, on the one hand, and, on the other, points in AZ, CO, KS, NE, OK, NM, and TX.

MC 135895 (Sub-118F), filed November 25, 1980. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295 Greenville, MS 38701. Transporting (1) outdoor recreational equipment, and home heating and air conditioning equipment, and (2) materials, equipment and supplies used in the manufacture, sale, distribution, and assembly of the commodities in (1) above (except commodities in bulk and those requiring special equipment), between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of The Coleman Company, Inc.

MC 138805 (Sub-9F), filed November 26, 1980. Applicant: S & L SERVICES, INC., R. D. #1, Milton, PA 17847. Representative: Terrence D. Jones, 2033 K St., NW, Washington, DC 20006. Transporting (1) foodstuffs and (2) materials, equipment and supplies used in the manufacture and distribution of foodstuffs, between points in Northumberland County, PA, on the one hand, and, on the other, points in AL, AR, FL, GA, KY, LA, MS, NC, OK, SC, TN, and TX.

MC 139615 (Sub-35F), filed November 25, 1980. Applicant: D.R.S. TRANSPORT, INC., P.O. Box 29, Oskaloosa, IA 52577. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting (1) agricultural equipment and implements, industrial and construction equipment drainage systems, stump cutters, log splitters, log chippers, and tree spades, (2) parts, attachments, and accessories for the commodities in (1) above, and (3) iron and steel articles, and equipment, materials, and supplies used in the manufacture, sale, and distribution of the commodities in (1) above, between points in Marion County, IA, on the one hand, and, on the other points in the U.S.

MC 140665 (Sub-122F), filed November 26, 1980. Applicant: PRIME, INC., P.O. Box 4208, Springfield, MO 65804. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. Transporting plastic bags, plastic film, and plastic sheeting, from Tyler, TX, to points in the U.S. (except AK and HI).

MC 141785 (Sub-1F), filed October 15, 1980, previously published in F.R. issue of November 4, 1980, Applicant:
HENNES ERECTING COMPANY, INC., 1600 W. Haskell St., Appleton, WI 54911.
Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Nennah, WI 54956.

Transporting commodities the transportation of which, by reason of size or weight, require the use of special equipment, and contrators' equipment, between points in that part of WI north of the northern county lines of Vernon, Sauk, Columbia, Dodge, Washington and Sheboygan, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this republication is to clarify the territorial description.

MC 141804 (Sub-536F), filed November 25, 1980. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., 4015 Guasti Rd., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same as address as applicant). Transporting general commodities (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment), between points in the U.S. (except AK and HI). Condition: Issuance of a certificate is subject to prior or coincidental cancellation, at applicant's written request, of MC 141804 and subs thereunder.

MC 142364 (Sub-44F), filed November 28, 1980. Applicant: KENNETH SAGELY TRUCKING COMPANY, P.O. Box 368 Van Buren, AR 72956. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting such commodities as are dealt in or used by grocery stores, between the facilities of Griffin Wholesale Grocery Distributors, at or near Van Buren, AR, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 146614 (Sub-2F), filed November 28, 1980. Applicant: HARRIS MOTOR EXPRESS, INC., 4261 Crawford St., Cincinnati, OH 45223. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Transporting general commodities (except classes A and B explosives and household goods as defined by the Commission), between points in Butler, Clermont, Hamilton, and Warren Counties, OH, and Boone, Campbell, and Kenton Counties, KY, on the one hand, and, on the other, points in IL, IN, KY, MI, OH, PA, and WV.

MC 147724 (Sub-2F), filed November 26, 1980. Applicant: TYRONE SCHULZ, d.b.a. TY SCHULZ TRUCKING, Route 1 Box 221, Ione, CA 95640. Representative: Robert G. Harrison, 4299 James Dr. Carson City, NV 89701. Transporting (1) refractories, brick, firebrick, fire clay, and foundry supplies, and materials, equipment and supplies used in the manufacture, sale, installation and distribution of the commodities in (1) above, between points in the U.S., under

continuing contract(s) with C. E. Cast Industrial Products and Interpace Corporation, of Ione, CA.

MC 148075 (Sub-3F), filed November 28, 1980. Applicant: CECIL E. KING, JR., d.b.a. CECIL KING TRUCKING, Route 2, Seagrove, NC 27341. Representative: Francis J. Ortman, 7101 Wisconsin Ave., Suite 605, Washington, DC 20014. Transporting flour, in containers, between points in the U.S., under continuing contract(s) with The White Lily Foods Company, of Knoxville, TN. Condition: Applicant must submit a further statement indicating how it proposes to satisfy the statutory criteria of contract carriage, i.e., either by (1) furnishing transportation service through the assignment of motor vehicles for a continuing period of time to the exclusive use of each person served, or (2) furnishing transportation services designed to meet the distinct need of each individual customer, and if the latter, applicant must describe briefly the distinct need for which transportation services have been designed. The statement will be examined by a review board prior to issuance of any permit.

MC 151604 (Sub-1F), filed November 26, 1980. Applicant: UNIVERSAL EXPRESS, LTD., 3820 University, West Des Moines, IA 50265. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50209. Transporting such commodities as are dealt in or used by producers of rubber and rubber products (except commodities in bulk and those requiring special equipment), between points in the U.S. under continuing contract(s) with Armstrong Rubber Co., of New Haven, CT.

MC 151755 (Sub-1F), filed November 26, 1980. Applicant: JOSEPH M. CAPRIOTTI, d.b.a. HAZLETON LIMOUSINE SERVICE, 64 N. Church St., Hazleton, PA 18201. Representative: Richard M. Goldberg, Suite 700, United Penn Bank Bldg., Wilkes-Barre, PA 18701. Transporting passengers and their baggage, in the same vehicle with passengers, limited to the transportation of not more than 12 passengers (excluding the driver) in any one vehicle at any one time, between points in Carbon, Luzerne, Monroe, and Schuylkill Counties, PA, on the one hand, and, on the other, points in NY, NJ, DE, MD, TN, FL, and DC.

MC 152245 (Sub-2F), filed November 18, 1980. Applicant: ARMOUR FOOD EXPRESS COMPANY, a corporation, P.O. Box 2785, Amarillo, TX 79105. Representative: R. L. Gordon, 111 West Clarendon, Phoenix, AZ 85013. Transporting (1) meats, meat products, and meat byproducts, dairy products,

and articles distributed by meatpacking houses, as described in Sections A, B, and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), and (2) such commodities as are dealt in by chain grocery and food business houses (except those in (1) above), between points in the U.S.

MC 152905F, filed November 26, 1980. Applicant: DWAN'S MOVING & STORAGE, INC., 207 Hawthorne Ave., St, Joseph, MI 49085. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933. Transporting electric motors, from points in Berrien County, MI, to points in LaPorte County, IN

Volume No. OP3-113

Decided: Dec. 9, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 135325 (Sub-11F), filed November 11, 1980. Applicant: WEMCO, INC., 3969 Wyoming Ave., Dearborn, MI 48126. Representative: Whilhemina Boersma, 1600 First Federal Bldg., Detroit, MI 48226. Transporting chemical, between points in Wayne County, MI, on the one hand, and, on the other, points in DE., IN, IA, KY, MD, MN, NJ, NY, OH, PA, TN, VA, WV, WI, MO, and IL.

Note.—Applicant relies on traffic studies between points in WV and OH, in lieu of shipper supporting statement.

Volume No. OP5-081

Decided: Dec. 8, 1980.

By the Commission, Review Board Number 3, Merabers Parker, Fortier and Hill.

MC 28569 (Sub-174F), filed November 29, 1980. Applicant: C.O.D.E., INC., 4800 North Colorado Blvd., Denver, CO 80216. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. Transporting (1) meats, meat products, meat by-products and articles distributed by meat packinghouses as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from points in IA, CO, and NE to points in the U.S., (2) animal food ingredients, from points in KS, CO, and TX to points in the U.S., and (3) materials, equipment, and supplies used in the manufacture and distribution of the commodities named in (1) and (2) above in the reverse direction.

MC 76449 (Sub-34F), filed October 28, 1980. Applicant: NELSON'S EXPRESS, INC., 675 Market St., Millersburg, PA 17061. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Rd., Camp Hill, PA 17011. Transporting general

commodities (except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in PA, on the one hand, and, on the other, New York, NY, and Points in NJ, CT, MA, and RI.

MC 128709 (Sub-11F), filed October 21, 1980. Applicant: PARIS MOTOR FREIGHT, INC., P.O. Box 1787, Ft. Smith, AR 72902. Representative: David B. Schneider, P.O. Box 1540, Edmond, OK 73034. Over regular routes, transporting general commodities (except household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) between Oklahoma City, OK, and Dallas, TX over Interstate Hwy 35, serving the junction of Interstate Hwys 35 and 35W for the purpose of joinder only, and (b) between junction Interstate Hwy 35 and Interstate Hwy 35W and Fort Worth, TX over Interstate Hwy 35W, serving the junction of Interstate Hwys 35 and 35W for the purpose of joinder only. Condition: Any certificate issued in this proceeding to the extent it authorizes the transportation of classes A and B explosives, shall be limited to a period expiring five years from the date of issuance of the certificate.

MC 129908 (Sub-61F), filed October 21, 1980. Applicant: AMERICAN FARM LINES, INC., 8125 S.W. 15th St., Oklahoma City, OK 73147. Representative: T. J. Blaylock, P.O. Box 75410, Oklahoma City, OK 73147. Transporting electronic equipment, electronic instruments, printed matter, lumber products, and wood products, between points in the U.S.

MC 129908 (Sub-64F), filed October 16, 1980. (Republication). Applicant: AMERICAN FARM LINES, INC., 8125 S.W. 15th St., Oklahoma City, OK 73147. Representative: John S. Odell, P.O. Box 75410, Oklahoma City, OK 73147. Transporting food or kindred products, and fabricated metal products, between points in CA, on the one hand, and, on the other, points in AL, AR, AZ, CO, FL, GA, ID, IL, IN, IA, KS, KY, MO, NC, NY, OH, OR, PA, TN, TX, WA, and WI.

Note.—This republication shows the correct sub number published November 21, 1980 as sub 60.

MC 129908 (Sub-65F), filed October 21, 1980. Applicant: AMERICAN FARM LINES, INC., 8125 S.W. 15th St., Oklahoma City, OK 73147.
Representative: T. J. Blaylock, P.O. Box 75410, Oklahoma City, OK 73147.
Transporting pulp, paper, or allied products as described in Item 33 and rubber or miscellaneous plastic

products as described in Item 30 of the Standard Transportation Commodity Code Tariff, between points in Caldwell County, NC, on the one hand, and on the other, points in CA, KS, MO, OK, and TX.

MC 149549, filed September 23, 1980, initially published in the F.R. on October 14, 1980. Applicant: HAROLD G. CLINE, INC., Harding Hwy. & DuPont Rd., Penns Grove, NJ 08069. Representative: M. Bruce Morgan, 100 Roesler Rd., Suite 200, Glen Burnie, MD 21061. Transporting general commodities (except in bulk, classes A and B explosives, and household goods as defined by the Commission), between points in AL, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, and DC. This application is republished to remove the restriction against the transportation of commodities requiring special equipment.

Volume No. OP5-082

Decided: Dec. 8, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill. Member Hill not participating.

MC 138328 (Sub-127F), filed November 25, 1980. Applicant; CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, P.O. Box 37308, Omaha, NE 68137. Representative: Donna Ehrlich (same address as applicant). Transporting such commodities as are dealt in or used by manufacturers of rubber and synthetic rubber products (except commodities in bulk and those requiring special equipment), between points in the U.S., restricted to traffic originating at or destined to the facilities used by Armstrong Rubber Company.

MC 142368 (Sub-33F), filed November 21, 1980. Applicant: DANNY HERMAN TRUCKING, INC., 1415 East Ninth Avenue, Pomona, CA 91766. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Transporting general commodities (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S. Condition: Any certificate issued in this proceeding is subject to the prior or coincidental cancellation, at applicant's written request, of all existing certificates.

MC 144678 (Sub-20F), filed November 24, 1980. Applicant: AMERICAN FREIGHT SYSTEM, INC., 9393 West 110th St., Overland Park, KS 66210. Representative: Harold H. Clokey (address same as applicant). Regular routes, transporting general commodities (except household goods

as defined by the Commission, and classes A and B explosives), serving points in GA as off-route points in connection with its otherwise authorized regular-route service.

MC 144678 (Sub-21F), filed November 24, 1980. Applicant: AMERICAN FREIGHT SYSTEM, INC., 9393 West 110th Street, Overland Park, KS 66210. Representative: Harold H. Clokey (same address as applicant). Over regular routes, transporting general commodities (except household goods as defined by the Commission and classes A and B explosives), serving points in Harris, Galveston, Jefferson, Orange, Chambers, Brazoria, Liberty, Hardin and Montgomery Counties, TX as off-route points in connection with applicant's otherwise authorized regular-route operations.

MC 145108 (Sub-31F), filed November 21, 1980. Applicant: BULLET EXPRESS, INC., 5600 First Avenue, Brooklyn, NY 11220. Representative: George A. Olsen, P.O. Box 357, Cladstone, NJ 07934. Transporting (1) hospital supplies, and (2) materials, equipment, and supplies used in the manufacture and distribution of the commodities in (1) above, between points in the U.S., under continuing contract(s) with Medline Industries, Inc., of Northbrook, IL.

MC 145219 (Sub-19F), filed November 25, 1980. Applicant: BUILDERS TRANSPORT, INC., P.O. Box 500, Camden, SC 29020. Representative: B. M. Shirley (same address as applicant). Transporting (1) hospital supplies, (2) textile mill products and (3) materials, equipment and supplies used in the manufacture of the commodities in (1) and (2), between points in New London County, CT, Gwinnett County, GA, Saint Charles County, MO, and Kershaw County, SC, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, NE, KS, OK, and TX.

MC 148729 (Sub-2F), filed November 26, 1980. Applicant: ED HANSEN, d.b.a. DOROTHY "J" TRANSPORT, Hwy, 101 West, Box 7070, Port Angeles, WA 98362. Representative: Ed Hansen (same address as applicant). Transporting (1) wax, lubricants, and oils, between points in the U.S., under continuing contract(s) with Union Oil Co., of California of Seattle, WA, and (2) canned food products, between points in the U.S., under continuing contract(s) with John Sexton & Co., of Tacoma, WA.

MC 150339 (Sub-18F), filed November 25, 1980. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: J. Cody Quinton, Jr. (same address as applicant). Transporting lawn and garden care

products (except commodities in bulk), between points in the U.S., under continuing contract(s) with O.M. Scott & Sons Company, of Marysville, OH.

MC 150578 (Sub-4F), filed November 12, 1980. Applicant: STEVENS TRANSPORT, a Division of STEVENS FOODS, INC., 2944 Motley Drive, Suite 302, Mesquite, TX 75150. Representative: E. Lewis Coffey (same address as above). Transporting (1) meats, meat products, meat byproducts, and articles distributed by meat-packing houses, (2) foodstuffs (except those in (1), and (3) materials, equipment and supplies used in the manufacture and distribution of the commodities in (1) and (2) above. between points in the U.S., under continuing contract(s) with Swift Independent Packing Company, a Division of Swift & Company of Chicago,

MC 150949 (Sub-7F), filed November 28, 1980. Applicant: NFI, INC., Box 664, Waxahachie, TX 75165. Representative: Gerald S., Duzinski, 71 West Park Ave., Vineland, NJ 08360. Transporting (1) industrial and residential evaporative air coolers, and (2) materials and supplies used in the manufacture and distribution of the commodities in (1) above, between points in AZ, NM, OK and TX, restricted to traffic originating at or destined to the facilities of Phoenix Manufacturing, Inc.

MC 151619 (Sub-1F), filed November 26, 1980. Applicant: WESTERN CAROLINA EXPRESS, INC., P.O. Box 3523, 300 16th St. Place, SE., Hickory, NC 28601. Representative: John H. Sigmon III (same address as applicant). Transporting new furniture, between points in NC. Condition: The person or persons which appear to be in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 U.S.C. § 11343, or submit an affidavit indicating why such approval is unnecessary.

MC 152388 (Sub-1F), filed November 21, 1980. Applicant: DOUGLAS BROTHERS TRUCKING, INC., 7530 Pulaski Rd., Concord, MI 49237. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933. Transporting (1) mineral wool insulation and mineral wool products, (2) fiberglass insulation and fiberglass products, from Huntington, IN and Albion, MI, to points in the U.S., in and east of MN, IA, MO, AR, and LA, and (3) materials, equipment and supplies used in the manufacture of the commodities in (1) and (2) in the reverse direction.

MC 152738 (Sub-2F), filed November 21, 1980. Applicant: GLEN AIR LIMOUSINE SERVICE, INC., 1007 Maple

Ave., Glen Rock, NJ 07452. Representative: Michael R. Werner, 167 Fairfield Rd., P.O. Box 1409, Fairfield, NI 07006. Transporting passengers and their baggage, in the same vehicle with passengers, in special operations. limited to the transportation of not more than 9 passengers (not including the driver) in any one vehicle at one time, in non-scheduled door-to-door service, between New York, NY, Philadelphia, PA, and points in Westchester, Nassau. Rockland and Suffolk Counties, NY. Fairfield County, CT, and those points in NI in and north of Mercer and Monmouth Counties.

MC 152919F, filed November 26, 1980. Applicant: ROBERT J. EDELMAN d.b.a. R & L EDELMAN, Rtes, 22 and 23, Hillsdale, NY 12529. Representative: Hugh M. Joseloff, P.O. Box 3258, Hartford, CT 06103. Transporting (1) plastics, plastic bottles and accessories for plastics and plastic bottles, (2) corrugated boxes, and (3) materials, equipment and supplies used in the manufacture and sale of the commodities in (1) and (2) between points in the U.S., under continuing contract(s) with Charter Supply Co., Inc., of Philmont, KY.

MC 152928F, filed November 28, 1980. Applicant: SEA RAIL PIGGYBACK SERVICES, INC., 22 East Huron Street. Chicago, IL 60611. Representative: Irwin D. Rozner, 134 North LaSalle St., Chicago, IL 60602. Transporting such commodities as are dealt in or used by a manufacturer of wooden toys and wooden furniture, between points in IL and WI, restricted to traffic having prior or subsequent movement by rail.

Volume NO. OP5-083

Decided: December 8, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill. Member Hill not participating.

MC 6078 (Sub-93F), filed November 26, 1980. Applicant: D. F. BAST, INC., 1425 N. Maxwell St., Allentown, PA 18001. Representative: James F. Maher, 1200 Four Penn Center, Philadelphia, PA 19103. Transporting (1) iron and steel articles, and (2) materials and supplies used in the manufacture of iron and steel articles, between points in DE, MI, MD, NJ, NY, PA.

MC 7228 (Sub-46F), filed November 29, 1980. Applicant: COAST TRANSPORT, INC., 1906 S. E. 10th Ave., Portland, OR 97214. Representative: Jerry Cinners (address same as applicant). Transporting such merchandise as is dealt in or used by grocery and food business houses, between points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY.

MC 18288 (Sub-8F), filed November 25, 1980. Applicant: J. U. BAKER, INC., Landisville, PA 17538. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101. Transporting general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment). (1) between points in Lancaster and Beaver Counties, PA, on the one hand, and, on the other, points in DE, MD, VA. WV, and DC, and (2) between points in Beaver County, PA, on the one hand, and, on the other points in NJ, restricted in (1) and (2) to traffic originating at or destined to the facilities of Armstrong Word Industries, Inc.

MC 22509 (Sub-31F), filed November 25, 1980. Applicant: MISSOURI-NEBRASKA EXPRESS, INC., 5310 St. Joseph Ave., St. Joseph, MO 64505. Representative: Harry Ross, 58 South Main St., Winchester, KY 40391. Transporting insulation and insulation materials, between points in Johnson, Leavenworth and Shawnee Counties, KS, and Jackson, Platte and Clay Counties, MO, on the one hand, and, on the other, points in MN, NE, WI, IA, IL, IN, MO, AR, LA, OK, TX, KY, and TN.

MC 22509 (Sub-32F), filed November 28, 1980. Applicant: MISSOURI-NEBRASKA EXPRESS, INC., 5310 St. Joseph Ave., St. Joseph, MO 64505. Representative: Harry Ross, 58 South Main St., Winchester, KY 40391. Transporting insulation and insulation materials, between points in Jackson, Leavenworth and Shawnee Counties, KS and Jackson, Platte and Clay Counties, MO, on the one hand, and, on the other, points in CO.

MC 23618 (Sub-67F), filed November 28, 1980. Applicant: McALISTER TRUCKING COMPANY, d.b.a. MATCO, 2041 S. Treadaway Blvd., P.O. Box 2377, Abilene, TX 79604. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75245. Transporting [1] cooling equipment, and (2) materials, equipment, and supplies used in the manufacture, installation, maintenance, and distribution of cooling equipment (except commodities in bulk), between points in the U.S., restricted to traffic originating at or destined to the facilities of the Lillie Hoffman Co., its dealers, and suppliers.

MC 33868 (Sub-5F), filed November 16, 1980. Applicant: FRICK TRANSFER, INC., 1905 Bushkill Drive, Easton, PA 18042. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966. Transporting household goods as defined by the Commission, between points in Warren and Hunterdon

Counties, NJ, Lehigh, Monroe and Northampton Counties PA, and points in FL, GA, NC, SG, and VA.

MC 64808 (Sub-48F), filed November 29, 1980. Applicant: W. S. THOMAS TRANSFER, INC., 1854 Morgantown Ave., Fairmont, WV 26554. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting general commodities (except those of unusual value, classes A and B explosives, commodities in bulk, in tank vehicles, and those requiring special equipment) between points in Marion, Harrison, Monongalia, Lewis, Taylor, Barbour, Upshur, Randolph, Preston and Wetzel Counties, WV, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO, and NM.

MC 71478 (Sub-51F), filed November 25, 1980. Applicant: THE CHIEF FREIGHT LINES COMPANY, a corporation, 2401 North Harvard Ave., Tulsa, OK 74115. Representative: Carl L. Steiner, 39 So. LaSalle St., Chicago, IL 60603. Over regular routes, transporting general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment because of size or weight), serving the facilities of General Motor Corporation, at Wentzville, in St. Charles County, MO, as an off-route point in connection with applicants otherwise authorized regular route authority.

MC 106398 (Sub-1086F), filed
November 24, 1980. Applicant:
NATIONAL TRAILER CONVOY, INC.,
P.O. Box 3329, Tulsa, OK 74101.
Representative: Paul D. Borghesani, 300
Communicana Bldg., 421 South Second
St., Elkhart, IN 46517. Transporting
automobiles between points in the U.S.
Condition: Any certificate issued in this
proceeding is subject to the prior or
coincidental cancellation, at applicant's
written request, of its authority in
docket Nos. MC 106398 Subs-121, 182,
199, 200, 371, 420, 428, 456, and 458.

MC 107839 (Sub-194F), filed November 25, 1980. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 2121 East 67th Ave., Denver, CO 80216. Representative: David E. Driggers, Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. Transporting (1) food or kindred products as described in Item 20 of the Standard Transportation Commodity Code Tariff, and (2) such commodities as are dealt in or used by food business houses, department stores and variety stores, between points in AL, AR, AZ, CA, CO, FL, GA, ID, IA, KS, LA, MN,

MO, MS, MT, NE, NV, NM, NC, ND, OK, OR, SC, SD, TN, TX, UT, WA, and WY.

MC 111729 (Sub-768F), filed November 18, 1980. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, NY 11042. Representative: Elizabeth L. Henoch (same address as applicant). Transporting general commodities (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in ID, OR, WA, and Hayward, CA, restricted against the transportation of packages or articles weighing in excess of 250 pounds.

MC 113828 (Sub-283F), filed November 28, 1980. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, DC 20014. Representative: William P. Sullivan, 818 Connecticut Ave., NW., Washington, DC 20006. Transporting commodities in bulk, between points in the U.S., restricted to traffic originating at or destined to the facilities of Union Camp Corporation.

MC 129908 (Sub-70F), filed November 26, 1980. Applicant: AMERICAN FARM LINES, INC., 8125 S.W. 15th Street, Oklahoma City, OK 73147.
Representative: T. J. Blaylock, P.O. Box 75410, Oklahoma City, OK 73147.
Transporting foods and kindred products between points in OR, on the one hand, and, on the other, points in AR, CO, IL, IN, KY, LA, MI, MN, MO, NE, OK, SC, TN, and TX.

MC 135839 (Sub-7F), filed November 25, 1980. Applicant: B LINE SERVICES, INC., P.O. Box 127, Stein Road, Hammond, LA 70404. Representative: W. J. McNabb (same address as applicant). Transporting (1) primary metal products as described in Item 33, and (2) fabricated metal products as described in Item 34, of the Standard Transportation Commodity Code Tariff, and (3) machinery and supplies used in the manufacture and distribution of the commodities in (1) and (2) above, between points in the U.S., under continuing contract(s) with T K Valve & Mfg., Inc. of Hammond, LA.

MC 138328 (Sub-126F), filed November 20, 1980. Applicant: CLARENCE L. WERNER d.b.a. WERNER ENTERPRISES, I-80 & Hwy 50, P.O. Box 37308, Omaha, NE 68137. Representative: Donna Ehrlich (same address as applicant). Transporting iron and steel articles as described in Appendix V to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, between points in Box Elder County, UT, and

points in AZ, CA, CO, ID, MT, NV, NM, OR, WA, and WY.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-39161 Filed 12-16-80; 8:45 am] BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and Two (2) copies of protests to an application may be filed with the Regional Office named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular protion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-80

The following applications were filed in region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 29910 (Sub-5-69TA), filed December 8, 1980. Applicant: ABF FREIGHT SYSTEM, INC., 301 South Eleventh Street, Fort Smith, AR 72901. Representative: Joseph K. Reber (address same as applicant). Chemicals and allied products between Houston, TX, on the one hand, and, on the other, points in CT, IL, IN, IA, KY, MA, MI, MO, NJ, NY, OH, PA, RI and WI. Supporting shipper: Phillips Petroleum Company, 734 Adams Building, Bartlesville, OK 74004.

MC 41432 (Sub-5-8TA), filed December 8, 1980. Applicant: EAST TEXAS FREIGHT LINES, INC., 2355 Stemmons Freeway, Dallas, TX 75207. Representative: Wayland Little (same as applicant). General Commodities, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) Between points in WA, OR, ID, MT, and WY, and (2) Between points in WA, OR, ID, MT, and WY, on the one hand, and on the other points in U.S. Supporting shippers: 30.

MC 52460 (Sub-5-21TA), filed
December 8, 1980. Applicant: ELLEX
TRANSPORTATION, INC., 1420 W. 35th
St., P.O. Box 9637, Tulsa, OK 74107.
Representative: Don E. Kruizinga (same
as applicant). Non-Alcoholic mixes and
juices (except in bulk) from the facilities
of Master of Mixes, Inc., located at or
near Corona, CA and Byhalia, MS to
points in AL, AR, CO, FL, GA, IL, IA, KS,
LA, MO, NE, NM, NC, OK, SC, TN and
TX. Supporting shipper: Master of
Mixes, Inc., 10975 Grandview St.,
Corporate Woods 27, Overland Park, KS
66210.

MC 53965 (Sub-5-7TA), filed
December 8, 1980. Applicant: GRAVES
TRUCK LINE, INC., P.O. Box 838, Salina,
KS 67401. Representative: John E,
Jandera, P.O. Box 1979, Topeka, KS
66601. Fibrous Glass Products and
Materials, Insulating Products and
Materials, Supplies and Equipment used
in the production and distribution
thereof, except in bulk, Between
McPherson, KS and points in TX.
Supporting shipper: Johns-Manville
Sales Corporation, P.O. Box 5108,
Denver, CO 80217.

MC 68100 (Sub-5-2TA), filed
December 8, 1980. Applicant: D. P.
BONHAM TRANSFER, INC., P.O. Box
Drawer G, Bartlesville, OK 74003.
Representative: Larry E. Gregg, 641
Harrison Street, P.O. Box 1979, Topeka,
KS 66601. Lumber and wood products,
except furniture, From points in AL, AR,
GA, LA and MS to points in AR, LA, OK
and TX. Supporting shipper: Slaughter
Brothers, Inc. P.O., Box 38670, 11050
Plano, Dallas, TX 75238.

MC 082569 (Sub-5-1TA), filed December 8, 1980. Applicant: ROY YOUNG, INC., Post Office Box 670, Abbeville, LA 70510. Representative:

Janet Boles Chambers, 8211 Goodwood Boulevard, Baton Rouge, LA 70806. Machinery, equipment, materials, and supplies, used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, and machinery, equipment, materials and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipeline, including the stringing and picking up thereof, between all points in the states of TX, OK, AR, LA, and MS. Supporting shippers: Five.

MC 106400 (Sub-5-7TA), filed December 8, 1980. Applicant: KAW TRANSPORT COMPANY, P.O. Box 8510, Sugar Creek, MO 64054. Representative: Harold D. Holwick (same as above). No. 6 Fuel Oil, in bulk, in tank vehicles, from Kansas City, MO to Tulsa, OK. Supporting shipper: Reese Enterprises, Inc., 5540 Raytown Road, Raytown, MO 64133.

MC 107496 (Sub-5-41TA), filed
December 8-19, 1980. Applicant: RUAN
TRANSPORT CORPORATION, 666
Grand Avenue, Des Moines, IA 50309.
Representative: E. Check, 666 Grand
Avenue, Des Moines, IA 50309. Roofing,
Roofing Products, Materials, Equipment
and Supplies Used in the Manufacture,
Distribution and Installation of Roofing
and Roofing Products, From (Joplin)
Jasper County, MO to points and places
in AR, IA, KS, MO, NE and OK.
Supporting shipper: Tamko Asphalt
Products, Inc., 220 W. 4th Street, Joplin,
MO 64801.

MC 107496 (Sub-5-42TA), filed December 8, 1980. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, 666 Grand Avenue, Des Moines, IA 50309. Cement, from Allen County, KS to Polk County, IA. Supporting shipper: Monarch Cement Co., Humboldt, KS 66748.

MC 107496 (Sub-5-43TA), filed
December 8, 1980. Applicant: RUAN
TRANSPORT CORPORATION, 666
Grand Avenue, Des Moines, IA 50309.
Representative: E. Check, 666 Grand
Avenue, Des Moines, IA 50309.
Lubricating oil, between Milwaukee, WI
and points in LA and MS. Supporting
shipper: Benz Oil, Inc., 2724 W.
Hampton Ave., Milwaukee, WI 53209.

MC 107496 (Sub-5-44TA), filed December 8, 1980. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, Attorney, 666. Grand Avenue, Des Moines, IA 50309. Lactic Acid, from Texas City, TX to Grandview, MO. Supporting shipper: Patco Products, 13830 Botts Road, Grandview, MO 64030.

MC 111401 (Sub-5–23TA), filed
December 8, 1980. Applicant:
GROENDYKE TRANSPORT, INC., 2510
Rock Island Blvd., P.O. Box 632, Enid,
OK 73701. Representative: Victor R.
Comstock, Vice President, Traffic (same as applicant). Petroleum Oil NOIBN, in bulk, in tank vehicles, from Oak Point,
LA to Brownsville, TX, in foreign commerce only. Shipper: Chevron
Chemical Co., Room 1666, 595 Market
St., San Francisco, CA, 94105.

MC 112713 (Sub-5-23TA), filed December 8, 1980. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Shawnee Mission, KS 66207. Representative: John M. Records, P.O. Box 7270, Shawnee Mission, KS 66207 Common; Regular. General commodities (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities of unusual value, and those requiring special equipment), serving Olney, TX, as an off-route point in connection with carrier's otherwise authorized operations. Applicant intends to tack and interline. Supporting shipper: Dayco Corporation, 333 West First St., Dayton, OH 45402.

MC 112822 (Sub-5-4TA), filed
December 8, 1980. Applicant: BRAY
LINES INCORPORATED, P.O. Box 1191,
1401 N. Little Street, Cushing, OK 74023.
Representative: Dudley G. Sherrill (same
address as applicant). Tires and tubes,
from Texarkana, AR to points in OK and
Kansas City, KS. Supporting shipper:
Cooper Tire & Rubber Company, P.O.
Box 550, Findlay, OH 45840.

MC 113651 (Sub-5-31TA), filed December 8, 1980. Applicant: INDIANA REFRIGERATOR OINES, INC., Suite 4, Omaha, NE 68154. Representative: James F. Crosby, James F. Crosby and Associates, 7363 Pacific St, Oak Park Office Bldg., Suite 210B, Omaha, NE 68114 Frozen foods, from Jamestown, ND, and Columbus, WI to points in and east of ND, SD, NE, CO, MO, AR, and LA; and to Kansas City, KS, and points in its commercial zone. Supporting shipper: Dakota Dake-N-Serv, Inc., P.O. Box 688, Jamestown, ND 58401.

MC 115554 (Sub-5-4TA), filed
December 8, 1980. Applicant:
HEARTLAND EXPRESS, INC. OF
IOWA, P.O. Box 89B, R. R. 6, Iowa City,
IA 52240. Representative: Michael J.
Ogborn, P.O. Box 82028, Lincoln, NE
68501. Electrical equipment, televisions,
radios, stereos, tape recorders,
computers, video recorders, cabinet
speakers, stereo speakers, security
systems, and materials, equipment and

supplies utilized in the manufacture, distribution and sale of those commodities, between Springfield, MO; Evansville, IN; and Chicage, IL, on the one hand, and on the other, points in IL, IN, IA, MI, MN, MO, OH, NE, TN, and WI. Supporting shipper: Zenith Radio Corporation, 1900 North Austin, Chicago, IL 60639.

MC 115724 (Sub-5-1TA), filed December 8, 1980. Applicant: J. W. PHILLIPS, INC., 4500 North Sewell; Suite No. 5, Oklahoma City, OK 73154. Representative: Max G. Morgan, P.O. Box 1540, Edmond, OK 73034. Contract; Irregular. General commodities, between points in OK; Sebastian, Crawford, and Franklin Counties, AR, on the one hand, and, on the other, Sebastian County, AR; Yonkers and Hyde Park, NY; San Leandro, CA; Portsmouth, RI; Vancouver, WA; Bay Minette, AL; and points in PA and TX. Supporting shipper: Oklahoma Gas and Electric Company; P.O. Box 321; Oklahoma City, OK 73101.

MC 118468 (Sub-5-21TA), filed December 8, 1980. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, Ia 50533. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Contract; Irregular. Chemicals and detergents, and materials and supplies used in the manufacture and distribution of chemicals and detergents (except commodities in bulk), between points in IL, IA, MN, NE, SD, and WI, on the one hand, and, on the other, point in the U.S., under contract with Overton Chemical Sales, Inc. Supporting shipper: Overton Chemical Sales, Inc., 701 Railroad, Box 297, Sumner, IA 50604.

MC 121517 (Sub-5-7TA), filed
December 8, 1980. Applicant:
ELLSWORTH MOTOR FREIGHT
LINES, INC., P.O. Box 15627, Tulsa, OK
74112. Representative: Wilburn L.
Williamson, Suite 615-East, The Oil
Center, 2601 Northwest Expressway,
Oklahoma City, OK 73112. Sand, in bulk,
from Guion, AR to Cushing, AR.
Supporting shipper: Dalton Precision,
Inc., South Little Street, Cushing, OK
74023.

MC 124174 (Sub-5-32TA), filed
December 8, 1980. Applicant: MOMSEN
TRUCKING CO., 13811 "L" Street,
Omaha, NE 68137. Representative: Karl
E. Momsen, 13811 "L" Street, Omaha,
NE 68137. K. D. Greyhound Crates (steel
and wood), between all points in the
U.S. for the account of Mohn Greyhound
Crates, Inc. Supporting shipper(s): Mohn
Greyhound Crates, Inc., R #3, Abilene,
KS 67401.

MC 129908 (Sub-5-38TA), filed December 8, 1980. Applicant:

AMERICAN FARM LINES, INC., 8125 S.W. 15th St., Oklahoma City, OK 73147. Representative: T. J. Blaylock, P.O. Box 75410 Oklahoma City, OK 73147. Pulp, paper or allied products; printed matter; chemicals or allied products; machinery or supplies; clay, concrete, glass or stone products; rubber or miscellaneous plastics products. Drugs, medicines and toilet preparations between Sullivan County, TN on the one hand, and on the other, points in the states of CA, CO, DE, FL, GA, IL, IN, KY, MD, MO, NE, NJ. NY, OH, PA, TX, VA and WV. Supporting shipper: Beecham Laboratories, 501 Fifth Street, Bristol, TN 37620.

MC 134755 (Sub-5-13TA), filed December 8, 1980. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Representative: S. Christopher Wilson, P.O. Box 3772, Springfield, MO 65804. Tires, tubes, flaps, and rubber products, between Morton, IL, Buffalo, NY, and Huntsville, AL, on the one hand, and on the other hand, points in the U.S. Supporting shipper: Dunlop Tire and Rubber Company, P.O. Box 1109, Buffalo, NY 14240.

MC 135070 (Sub-5–32TA), filed December 8, 1980. Applicant: JAY LINES, INC., Box 61467, DFW Airport, TX 75261. Representative: Gailyn L. Larsen, P.O. Box 81816, Lincoln, NE 68501. Foundry supplies, from Pulaski, PA to Ft. Worth, TX. Supporting shipper: Industrial Park Supply, P.O. Box 7615, Ft. Worth, TX 76111.

MC 136786 (Sub-5-43TA), filed
December 8, 1980. Applicant: ROBCO
TRANSPORTATION, INC., 4475 N.E.
3rd Street, Des Moines, IA 50313.
Representative: Stanley C. Olsen, Jr.,
Gustafson & Adams, P.A., 7400 Metro
Boulevard, Suite 411, Edina, MN 55435.
Lubricating oils and greases (except in bulk), between Cuyahoga County, OH, on the one hand, and, on the other, points in the U.S. Supporting shipper:
The Whitmore Manufacturing Company, P.O. Box 488, Cleveland, OH 44127.

MC 136786 (Sub-5-44TA), filed
December 8, 1980. Applicant: ROBCO
TRANSPORTATION, INC., 4475 N.E.
3rd Street, Des Moines, IA 50313.
Representative: Stanley C. Olsen, Jr.,
Gustafson & Adams, P.A., 7400 Metro
Boulevard, Suite 411, Edina, MN 55435.
Non-exempt food or kindred products,
as defined under Group 20 of the
Standard Transporting Commodity
Code, between Seward County, KS, on
the one hand, and, on the other, points
in AR and IA. Supporting shipper:
National Beef Packers, Inc., P.O. Box
978, Liberal, KS 67901.

MC 138469 (Sub-5-29TA), filed December 8, 1980. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK. 73107 Representative; Daniel O. Hands, Attorney at Law, Blanshan & Summerfield, Suite 200, 205 W. Touhy Ave., Park Ridge, IL. 60068. Folding furniture, lawn mowers and outdoor barbeques, from Columbus, GA, Indianola, MS, Manning, SC and Greenville, TN and points in their commercial zones to the facilities of The Price Company at or near Mesa and Phoenix, AZ, and Riverside, San Diego and Santee, CA. Supporting shipper: The Price Company, 2657 Ariane Drive, San Diego, CA. 92117.

MC 138469 (Sub-5-30TA), filed December 8, 1980. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK. 73107. Representative: Daniel O. Hands, Attorney at Law, Blanshan & Summerfield, Suite 200, 205 W. Touhy Ave., Park Ridge, IL. 60068. Food seasoning (except in bulk), from the facilities of Flavor House, Inc., at San Dimas, CA to IL, NJ, NY, PA and TX. Supporting shipper: Flavor House, Inc., 200 South San Dimas Avenue, San Dimas, CA. 91773.

MC 139306 (Sub-5-1TA), filed December 8, 1980. Applicant: DEL R. STANAGE AND JOE R. STANAGE, d.b.a. STANAGE TRANSPORTATION, 121 Indian Springs Road, Hot Springs, AR 71901. Representative: James M. Duckett, 411 Pyramid Life Building, Little Rock, AR 72201. Aluminum Scrap viz. Ashes, Borings, Buffings, Dross, Grindings, Sawings, Skimmings, Turnings of Scrap NOI and Aluminum Ingot, between Clark, Garland, Hot Spring and Saline Counties, AR on the one hand, and on the other, points in OK on and east of Interstate Hwy 35. Supporting shipper: Reynolds Metals Company, P.O. Box 128, Malvern, AR 72104.

MC 140665 (Sub-5-50TA), filed December 8, 1980. Applicant: PRIME, INC., P.O. Box 4208, Springfield, MO 65804. Representative: H. J. Anderson, P.O. Box 4208, Springfield, MO 65804. Dry batter mixes from San Leandro, CA to points in CT, IL, NJ, NY, and PA. Supporting shipper: Farallon Foods, Inc., 14330 Catalina Street, San Leandro, CA 94577.

MC 141641 (Sub-5–2TA), filed December 8, 1980. Applicant: WILSON CERTIFIED EXPRESS, INC., P.O. Box 3326, Des Moines, IA 50316. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. (a) Corrugated paper boxes, knocked down, and (b) corrugated paper sheets, (a) from Ft. Smith, AR to Albert Lea, MN; and (b) from Ft. Dodge, IA to Albert Lea, MN. Supporting shipper: Mead Containers, A Division of The Mead Corportation, 1851 Margaretha, Albert Lea, MN 56007.

MC 142364 (Sub-5–9TA), filed
December 8, 1980. Applicant: KENNETH
SAGELY TRUCKING COMPANY, Post
Office Box 368, Van Buren, AR 72956.
Representative: Don Garrison, Esq., Post
Office Box 1065, Fayetteville, AR 72701.
Bags and Bagging Material—From
Nashville, TN—to points in the U.S.
(except AK and HI). Supporting shipper:
Werthan Industries, Inc., Post Office
Box 1310 Nashville, TN 37202.

MC 145997 (Sub-5-6TA), filed December 8, 1980. Applicant: J.E.M. EQUIPMENT, INC., Post Office Box 396, Alma, AR 72921. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701. Meats, Meat Products and Meat By-Products, and articles distributed by meatpackinghouses, as described in Sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk)-Between the facilities of D.P.M. of Arkansas, Inc., on the one hand, and, on the other, points in the United States (except AK and HI)-Supporting shipper: D.P.M. of Arkansas, Inc., Post Office Box 200, Booneville, AR 72927.

MC 147247 (Sub-5-1TA), filed December 8, 1980. Applicant: AAA TRUCKING AND DISTRIBUTION COMPANY, INC., P.O. Box 24005, Houston, TX 77015. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. General commodities (except household goods as defined by the Commission and Classes A and B explosives) Restricted to traffic having a prior or subsequent movement by water and restricted to traffic of Sealand Service, Inc. between Houston, TX, on the one hand, and on the other, points in TX, OK, LA, and AR. Supporting shipper: Sealand Service, Inc., 8402 Clinton Avenue, Galena Park, Texas 77547.

MC 149235 (Sub-5-3TA), filed
December 8, 1980. Applicant: C.
MAXWELL TRUCKING CO., INC., 9108
Reeds Dr., Overland Park, KS 66207.
Representative: Alex M. Lewandowski,
1221 Baltimore ave., Ste. 600, Kansas
City, MO 64105. Contract Irregular (1)
Lubricating oils, greases, carbon, gum
and sludge removing compounds,
automotive filters, valves and valve
parts, fender covers, brake fluids,
compressor oils and antifreeze engine
coolants. and (2) materials, equipment
and supplies used in the manufacture of

the commodities named in (1) above, between points in OH and KY, on the one hand, and, on the other, points in IL, KS, MO, IN, OK, TX, NM, CA, WA, OR, KY and OH. Supporting shipper: STP Corporation, 1400 W. Commercial Blvd, FT. Lauderdale, FL 33310.

MC 150311 (Sub-5-15TA), filed
December 8, 1980. Applicant: P & L
MOTOR LINES, INC., P.O. Box 4616,
Fort Worth, TX 76106. Representative:
Billy R. Reid, 1721 Carl Street, Forth
Worth, TX 76103. Foodstuffs, and
commodities dealt in by food brokers,
(1) from points in KS, NE, OK, and TX to
points in AL, CT, DE, GA, IL, IN, KY,
MD, MA, MI, MN, MS, NH, NJ, NY, NC,
OH, PA, RI, SC, TN, VA, VT, WV and
WI; and (2) between points in KS, OK
and TX. Supporting shipper: Clay
Clanton Enterprises, Inc., 2946
Silverdale Lane, Garland, TX 75042.

MC 150783 (Sub-5-24TA), filed
December 8, 1980. Applicant:
SCHEDULED TRUCKWAYS. INC., Post
Office Box 757, Rogers, AR 72756.
Representative: Ronnie Sleeth, Post
Office Box 757, Rogers, AR 72756. Meat,
meat by products, and other
commodities distributed by packing
houses (except hides and in bulk) From
Palestine, TX to points in the U.S.
(except AK and HI). Supporting shipper:
Vernon Calhoun Packing Company, P.O.
Box 709, Palestine, TX 75801.

MC 151384 (Sub-5-8TA), filed December 8, 1980. Applicant: G AND I TRUCKING, INC., 3701 Spradlin Avenue, P.O. Box 4201, Ft. Smith, AR 72914. Representative: Jay C. Miner, P.O. Box 313, Harrison, AR 72601. (1) containers and materials and supplies used in the manufacture of containers between the facilities of American Can Company in Ft. Smith, AR, on the one hand and, on the other, points in the United States; and (2) foodstuffs and such items as are dealt in the wholesale, retail and chain grocery and food business houses between the facilities of Commercial Distribution Warehouse, Inc. in Independence, MO, on the one hand, and, on the other, points in MO, AR, TX, OK, LA, MS, TN, KS, KY, IL, IN, OH, MN, MI, AL, GA, IA, CA, OR, WA and ID. Supporting shippers: Commercial Distribution Warehouse Inc., 15600 Truman Road, Independence, MO, and American Can Company, 4411 Midland Blvd., Ft. Smith, AR 72904.

MC 151534 (Sub-5-5TA), filed December 8, 1980. Applicant: R&D TRANSPORTATION CORPORATION, 818 5th Ave., P.O. Box 1908, Des Moines, IA. Representative: Donald B. Strater, 1350 Financial Center, Des Moines, IA 50309. Irrigation Equipment and Systems and parts, materials, and supplies used in Irrigation Systems their manufacture, shipment, or installation, between points in Newman Grove and Lindsay, NE on one hand, and on the other, points in the U.S. (excluding HI and AL). Supporting shipper: Lindsay Manufacturing, Co. P.O. Box 156, Lindsay, NE 68644.

MC 152725 (Sub-5-1TA), filed December 8, 1980. Applicant: RICHLAND TRUCKING, INC., Route 1, Tillar, AR 71670. Representative: Douglas W. Bonner, Jr., Laser, Sharp, Haley, Young and Huckabay, One Spring Street, Little Rock, AR 72201. Contract; Irregular. Assorted spices and spice ingredients consisting of corn syrup solids, dextrose, soya concentrate, soy flour, wheat flour, corn flour, soy grits, textured vegetable protein, seasonings, chicken breeders, chicken marinades, monosodium glutamate and food grade phosphates used in the manufacture of assorted spices; between the facilities of Dottley's Spice Mart, Inc. at McGehee, AR on the one hand, and on the other, Hollywood, FL and its commercial zone; from Chicago, IL and its commerical zone to Dottley's Spice Mart, Inc. at McGehee, AR. Supporting shipper: Dottley's Spice Mart, Inc., 104 Pine Street, McGehee, AR 71654.

MC 152807 (Sub-5-1TA), filed December 8, 1980. Applicant: L. R. CONNELL, INC., Route 4, Box 74 Arkadelphia, AR 71923. Representative: Sarah Lee Connell, Route 4, Box 74, Arkadeiphia, AR 71923. Metal Products. Fabricated Metal Products, Machinery and Supplies, Steel, Welding Supplies, Lumber or wood Products (except Furniture), rubber-type or Composition Roofing, and Wood-Burning Stoves: Between Clark and Garland Counties. AR, on the one hand, and, on the other, points and places in LA, TN, OK, TX, and MS. Supporting shippers: Roberson Metals Hwy. 67 S. Arkadelphia, AR 71923; Phillips Fabrication, P.O. Box 899, Arkadelphia, AR 71923; Southland Marketing, P.O. Box 312, No. 12 I-30 at Shibe Rd., Alexander, AR 72002; Red Ball Oxygen, Inc., Hwy 67 S., Arkadelphia, AR 71923.

MC 152959 (Sub-5–2TA), filed
December 8, 1980. Applicant: MOBILE
EXPRESS, INC., 6000 Gum Springs Road,
Longview, TX 75607. Representative:
Robert Nieman (same as Applicant).
Contract; Irregular Yard tractors, trucks,
and all component parts thereof,
between the faiclities of Capacity of
Texas, Inc., on the one hand; and all
points in the continental U.S., on the
other. Supporting shipper: Capacity of

Texas, Inc., PO Box 7848, Longview, TX 75607.

MC 153024 (Sub-5-1TA), filed December 8, 1980. Applicant: CAZADOR TRANSPORTATION SERVICES, INC., P.O. Box 10693 El Paso, TX 79997 Representative: Steven W. Gardner, 3574 Piedmont Road, Atlanta, GA 30305. (1) Emergency repair parts and component parts for heavy machinery, (2) Construction materials, and (3) equipment materials and supplies utilized in mining operations between El Paso, TX, on the one hand, and points in Sierra County, NM, Grant County, NM, Luna County, NM, Otero County, NM, and Dona Ana County, NM, on the other hand. Supporting shipper: M.M. Sundt Company, P.O. Box 207, Truth or Consequences, NM 87901.

MC 153025 (Sub-5-1TA), filed December 8, 1980. Applicant: FLANCO TRANSPORTATION, INC., 3105 North Highway 75, Corsicana, TX 75110. Representative: James W. Hightower, Hightower, Alexander and Cook, P.C., 5801 Marvin D. Love Freeway, #301, Dallas, TX 75237. (1) Flat glass, and (2) Materials, equipment and supplies used in the manufacture of flat glass between the facilities of Guardian Industries Corp. At Corsicana, TX, on the one hand, and, on the other, points in AL AR, CO, FL, GA, KS, LA, MS, MO, NE, NM, OK, TN and TX. Supporting shipper: Guardian Industries Corp., P. O. Box 10001, Corsicana, TX 75110.

Agatha L. Mergenovich, Secretary.

[FR Doc. 80-39155 Filed 12-16-80; 8:45 am] BILLING CODE 7035-01-M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Media Arts Panel (Film/Video Production); Meeting

Pursuant to Section 10 (a)(2) of the Federal Advisory Committee Act (Pub. L 92–463), as amended, notice is hereby given that a meeting of the Media Arts Panel (Film/Video Production) to the National Council on the Arts will be held on January 5–7, 1981, from 9:00 a.m.–7:30 p.m. in 12th Floor Screening Room, Columbia Plaza Office Complex, 2401 E Street, NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman

published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9 (b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070. John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts. December 11, 1980.

[FR Doc. 80-39182 Filed 12-16-80; 8:45 am] BILLING CODE 7537-01-M

Special Projects Panel (Inter-Arts Program); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Special Projects Panel to the National Council on the Arts will be held on January 5–6, 1981 from 9:30 a.m. to 5:30 p.m. in Room 1422, Columbia Plaza Office Complex, 2401 E Street, N.W., Washington, D.C.

A portion of this meeting will be open to the public on January 5, 1981 from 9:30 a.m. to 5:30 p.m. and January 6, 1981 from 9:30 a.m. to 1:30 p.m. and 2:30 p.m. to 5:30 p.m. for the discussion Presenting Organizations, Guidelines.

The remaining sessions of this meeting on January 6, 1981 from 1:30 p.m. to 2:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and (9)(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operation, National Endowment for the Arts.

[FR Doc. 80-39183 Filed 12-16-80; 8:45 am]

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Behavioral and Neural Sciences; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Behavioral and Neural Sciences Subcommittee for Anthropology—Systematic (Museum) Collections.

Date and Time: January 29-30, 1981, 9:00-5:00

Place: National Science Foundation, 1800 G Street, N.W.—Room 628, Washington, D.C. 20550.

Type of meeting: Closed.
Contact Person: Ms. Mary W. Greene,
Associate Program Director for
Anthropology NSF, Room 320, Washington,
D.C. 20550 (202) 632–4208.

Purpose of Subcommittee: To provide advice and recommendations concerning support for improvement of systematic anthropological research collections.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial (salary) data, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b[c], Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator. December 12, 1980.

[FR Doc. 80-39200 Filed 12-16-80; 8:45 am] BILLING CODE 7555-01-M

Advisory Committee for Environmental Biology, Subcommittee on Ecological Sciences; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Ecological Sciences of the Advisory Committee for Environmental Biology.

Date and Time: January 21, 22 and 23, 1981; 8:30 a.m. to 5:00 p.m. each day.

Place: Room 338, National Science Foundation, 1800 G St. NW., Washington. D.C. 20550.

Type of Meeting: Closed.

Contact Persons: Dr. David W. Johnston, Program Director, Ecology Program, (202) 357–9734, and Dr. W. Franklin Harris, Program Director, Ecosystem Studies Program (202) 357–9596, Room 336, National Science Foundation, Washington, D.C. 20550.

Purpose of Subcommittee: To provide advice and recommendations concerning support for research in ecological sciences.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator. December 12, 1980.

[FR Doc. 80-39203 Filed 12-16-80; 8:45 am] BILLING CODE 7555-01-M

Advisory Committee for Environmental Biology, Subcommittee on Population Biology and Physiological Ecology, Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Population Biology and Physiological Ecology of the Advisory Committee for Environmental Biology.

Date and Time: January 29 & 30, 1981; 8:30 a.m. to 5:00 p.m. each day.

Place: Room 338, National Science Foundation, 1800 G St NW, Washington, D.C. 20550.

Type of Meeting: Closed.

Contact Person: Dr. Jerry F. Downhower, Program Director, Population Biology and Physiological Ecology Program, Room 336, National Science Foundation, Washington D.C. 20550, telephone (202) 357–9728.

Purpose of Subcommittee: To provide advice and recommendations concerning support for research in population biology and physiological ecology.

Agenda: To review and evaluate research proposals as part of the selection process

for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 8, 1979.

M. Rebecca Winkler,

Committee Management Coordinator. December 12, 1980.

[FR Doc. 80-39204 Filed 12-16-80; 8:45 am] BILLING CODE 7555-01-M

Advisory Committee for Environmental Biology, Subcommittee on Systematic Biology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Systematic Biology of the Advisory Committee for Environmental Biology.

Date and Time: January 15 and 16, 1981; 8:30 a.m. to 5:00 p.m. each day.

Place: Room 338, National Science Foundation, 1800 G St. NW, Washington, D.G. 20550.

Type of Meeting: Part Open—Open 1/16/81, 1:30 p.m. to 5:00 p.m.; Closed—1/15/81, 8:30 a.m. to 5:00 p.m. and 1/16/81, 8:30 a.m. to 1:30 p.m.

Contact Person: Dr. John H. Beaman, Program Director, Systematic Biology Program, Room 336, National Science Foundation, Washington, D.C. 20550, telephone (202) 357–9588.

Summary Minutes: May be obtained from contact person, Dr. Beaman, at above stated address:

Purpose of Subcommittee: To provide advice and recommendations concerning support for research in systematic biology. Open part of the meeting to discuss long-range plans for the Systematic Biology Program.

Agenda: Closed—To review and evaluate research proposals and projects as part of the selection process for awards. Open—1/ 16/81, 1:30 p.m. to 5:00 p.m. Discussion to include long-range plans for the Systematic Biology Program.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the

Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The

Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler.

Committee Management Officer. December 12, 1980.

[FR Doc. 80-39205 Filed 12-16-80; 8:45 am] BILLING CODE 7555-01-M

Advisory Committee for Physiology, Cellular, and Molecular Biology, Subcommittee on Cell Biology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Cell Biology, of the Advisory Committee for Physiology, Cellular, and Molecular Biology.

Date and Time: January 21, 22, and 23, 1981; 9:00 a.m. to 5:00 p.m. each day. Place: Room 643, National Science

Place: Room 643, National Science Foundation, 1800 G Street, NW., Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. J. Eugene Fox, Program
Director, Cell Biology Program, Room 332,
National Science Foundation, Washington
DC 20550. Telephone: 202/357-7474.

Purpose of Subcommittee: To provide advice and recommendations concerning support for research in Cell Biology.

Agenda: To review and evaluate research proposals as part of the selection process of awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. R. Winkler,

Committee Management Coordinator.
December 12, 1980.
[FR Doc. 80-39202 Filed 12-16-80; 8:45 am]
BILLING CODE 755-01-M

Advisory Committee for Social and Economic Science Executive Committee; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting: Name: The Executive Committee of the Advisory Committee for Social and Economic Science.

Date and Time: January 9 and 10, 1981; 9:00 a.m. to 5:00 p.m. each day.

Place: Room 338, National Science Foundation, 1800 G St., NW., Washington, D.C. 20550.

Type of Meeting: Closed.

Contact Person: Otto N. Larsen, Division Director, Social and Economic Science, Room 316, National Science Foundation, Washington, D.C. 20550. Telephone (202) 357-7966.

Purpose of Committee: To provide advice and recommendations concerning NSF support for research in social and economic sciences.

Agenda: To review and comparison of declined proposals (and supporting documentation) with the successful awards under the History and Philosophy of Science Program, including review of peer review materials and other privileged material.

Reason for Closing: The Subcommittee will be reviewing grants and declinations jackets which contain the names of applicant institutions and principal investigators and privileged information contained in declined proposals. This session will also include a review of peer review documentation pertaining to applicants. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(c), Government in the Sunshine Act.

Authority to Close: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator. December 12, 1980.

[FR Doc. 80-39201 Filed 12-16-80; 8:45 am] BILLING CODE 7555-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

Schedule for Awarding Senior Executive Service Bonuses

The National Transportation Safety Board hereby gives notice that it intends to award Senior Executive Service bonuses for the performance cycle of October 1, 1979, through September 30, 1980, with payouts scheduled by December 31, 1980.

This notice is given in accordance with the Office of Personnel Management guidelines which require that each agency publish a notice in the Federal Register of the agency's schedule for awarding Senior Executive Service bonuses at least 14 days prior to the date on which the awards will be paid.

B. Michael Levins,

Director, Bureau of Administration. December 12, 1980.

[FR Doc. 80-39171 Filed 12-16-80; 8:45 um] BILLING CODE 4910-58-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-46TA and 50-462A]

Illinois Power Co., et al; Receipt of Antitrust Information

Illinois Power Company, on behalf of itself and Soyland Power Cooperative, Inc. and Western Illinois Power Cooperative, Inc., has filed antitrust information for their application for operating licenses for the Clinton Power Station, Units 1 and 2. This information was filed pursuant to Part 2.101 of the Commission Rules and Regulations and is in connection with the owners' plans to operate two boiling water reactors in Dewitt County, Illinois. The application contains antitrust information for review pursuant to NRC Regulatory Guide 9.3 to determine whether there have been any significant changes since the completion of the antitrust review at the construction permit stage. The remainder of the application for operating licenses was submitted previously and was docketed on September 9, 1980. (See Federal Register

Notice 45 FR 64307.)
On completion of staff antitrust review of the above-named application, the Director of Nuclear Reactor Regulation will issue an initial finding as to whether there have been "significant changes" under section 105c(2) of the Act. A copy of this finding will be published in the Federal Register and will be sent to the Washington and local public document rooms and to those persons providing comments or information in response to this notice. If the initial finding concludes that there have not been any significant changes, request for reevaluation may be submitted for a period of 60 days after the date of the Federal Register notice.

Note.—This document originally appeared in the Federal Register for Monday, November 24, 1980.It is reprinted in this issue at the request of the agency.

The results of any reevaluations that are requested will also be published in

the Federal Register and copies sent to the Washington and local public document rooms.

A copy of the application for operating licenses and the antitrust information submitted are available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555 and in the local public document room at the Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois.

Any person who desires additional information regarding the matter covered by this notice or who wishes to have his views considered with respect to significant changes related to antitrust matters which have occurred in the applicants' activities since the construction permit antitrust reviews for the above-named plant should submit such requests for information or views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Chief, Utility Finanace Branch, Office of Nuclear Reactor Regulation, on or before January 26, 1981.

Dated at Bethesda, Maryland, this 13th day of November 1980.

For the Nuclear Regulatory Commission, Frank J. Miraglia,

Acting Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 80-36387 Filed 11-21-80; 8:45 am] BILLING CODE 7590-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1953]

Iowa; Declaration of Disaster Loan Area

Ida County and adjacent counties within the State of Iowa constitute a disaster area as a result of damage caused by tornado, hail and winds which occurred on September 19–20, 1980. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on January 26, 1981, and for economic injury until the close of business on August 25, 1981, at: Small Business Administration, District Office, 210 Walnut Street, Des Moines, Iowa 50309, or other locally announced locations.

Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: November 25, 1980.

A. Vernon Weaver,

Administrator.

[FR Doc. 80-39054 Filed 12-16-80; 8:45 am]

SILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1926; Amdt. No. 1]

Nebraska; Declaration of Disaster Loan Area

The above declaration (see 45 FR 71461) is hereby amended by extending the incident periods for natural disasters as indicated below:

County	Naural disaster	Change incident period	
		From	То
3 Dodge	Orought and grasshopper Drought Prought Prough	5/10-8/5/80 5/10-8/18/80 5/10-9/9/80 5/10-8/5/80 5/10-8/18/80 5/10-7/25/80 6/1-9/4/80 5/10-9/11/80	5/10-10/2/80 5/10-10/2/80 5/10-10/2/80 5/10-10/2/80 5/10-10/2/80 5/10-10/2/80 5/10-10/2/80

All other information remains the same, i.e., the termination date for filing applications for physical damage is the close of business on April 9, 1981, and for economic injury at the close of business on July 9, 1981, at:

Small Business Administration, District Office, 19th & Farnum Streets, 2nd Floor, Omaha, Nebraska 68102,

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: November 24, 1980.

A. Vernon Weaver,

Administrator.

[FR Doc. 80-39053 Filed 12-16-80; 8:45 am]

BILLING CODE 6025-01-M

Sunshine Act Meetings

Federal Register

Vol. 45, No. 244

Wednesday, December 17, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L 94-409) 5 U.S.C. 552b(e)(3).

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1

DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR, 81142, December 9, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2:30 p.m., Friday, December 12, 1980.

CHANGES IN THE MEETING: Addition of the following open item(s) to the meeting:

Request for phase out in certain situations of new rule that would prohibit premium of interest in merchandise.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Public Information Officer, (202) 452– 3204.

Dated: December 12, 1980.

Normand R. V. Bernard,

Executive Secretary of the Committee.

[S-2305-80 Filed 12-15-90, 12:03 pm]

BILLING CODE 6210-01-M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND PLACE: 9:30 a.m. (eastern time), Friday, December 19, 1980.

PLACE: Commission Conference Room, 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506. **STATUS:** Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED: OFCCP, Department of Labor Regulations pertaining to Executive Order 11246. Closed to the public:

Litigation Authorization: General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Acting Executive Officer, Executive Secretariat, at (202) 634–6748.

This Notice Issued December 12, 1980. [S-2302-80 Filed 12-15-80; 10:11 am] BILLING CODE 6570-06-M

3

FEDERAL COMMUNICATIONS COMMISSION.

The Federal Communications
Commission will hold a Closed Meeting
on the subject listed below on Tuesday,
December 16, 1980, following the Special
Open Meeting which is scheduled to
commence at 9:30 a.m., in Room 856, at
1919 M Street, N.W., Washington, D.C.

Agenda, Item Number, and Subject

Hearing—1—Draft Decision in the KGGM— TV, Albuquerque, New Mexico, renewal proceeding (Docket No. 20540).

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: December 15, 1980.
Federal Communications Commission.

William J. Tricarico,

Secretary.

[S-2313-80 Filed 12-15-60; 3:12 pm] BILLING CODE 6712-01-M

4

FEDERAL COMMUNICATIONS COMMISSION.

The Federal Communications Commission will hold a Special Open Meeting, on the subjects listed below on Tuesday, December 16, 1980 at 9:30 a.m., in Room 856, at 1919 M Street, N.W., Washington, D.C. Agenda, Item Number, and Subject

Common Carrier—1—Title: Amendment of Section 64.702 of the Commission's Rules and Regulations (Second Computer Inquiry)—Docket 20828. The Commission will discuss language changes to its reconsideration Order of the Second Computer Inquiry.

Common Carrier—2—Title: In the matter of policy and rules concerning rates for competitive common carrier services and facilities authorizations therefor. CC Docket 79–252. Summary: The commission will consider the issue of it discretion to define a communications common carrier as well as to forbear from imposing Title II regulations.

General—1—Proposed relocation of the FCC Headquarters to Rosslyn, Virginia.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 254–7874.

Issued: December 15, 1980.
Federal Communications Commission.
William J. Tricarico,
Secretary.

[S-2314-80 Filed 12-15-80 3:12 pm] BILLING CODE 6712-01-M

5

FEDERAL COMMUNICATIONS COMMISSION.

The Federal Communications Commission voted to hold a closed Meeting on December 18th and 19th, 1980, following the Regular Open Meeting, at 1919 M Street, NW., Washington, D.C. on the following subject:

Internal Personnel Matters

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: December 15, 1980.
Federal Communications Commission.
William J. Tricarico,
Secretary.
[S-2315-80 Filed 12-15-80; 3:13 pm]

BILLING CODE 6712-01-M

6

FEDERAL COMMUNICATIONS COMMISSION.

The Federal Communications Commission voted to hold a Closed Meeting on the subjects listed below on Thursday, December 18, 1980, following the Regular Open Meeting which is scheduled to commence at 9:30 A.M., in Room 856, at 1919 M Street, NW., Washington, D.C.

Agenda, Item Number, and Subject

Hearing—1—Appeal of an interlocutory ruling and petition for stay filed by George E. Cameron, Jr. Communications and Burbank Broadcasting Co. (referred to jointly as Cameron) in the Burbank—Pasadena, California comparative renewal proceedings. (Docket Nos. 20629–20631 and BC 79–65—BC 79–67).

Hearing—2—Motion for stay in the Faith Center, Inc. television license renewal proceeding (BC Docket NO. 78–326).

Hearing—3—Motion for consolidation of an application to modify facilities with a comparative DPLMRS renewal proceeding for frequency 152.15 MHz Miami, Florida. (File No. 20355–CD–P–77). Docket Nos. 185–188.

Hearing—4—Petition for Reconsideration in the Peoria, Illinois, comparative renewal proceeding (Docket Nos. 80–331 and 80– 332).

General—1—Transfer of Responsibility for Training of Foreign Nationals to the Office of Science and Technology. General—2—Internal Personnel Matters.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: December 15, 1980.
Federal Communications Commission.
William J. Tricarico,
Secretary.

[S-2318-80 Filed 12-15-80; 3:13 pm] BILLING CODE 6712-01-M

7

FEDERAL COMMUNICATIONS COMMISSION.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, December 18, 1980, starting at 9:30 a.m., in Room 856, at 1919 M Street NW., Washington, D.C.

Agenda, Item Number, and Subject

General—1—Title: Docket 21117 for amendment of Parts 2 and 97 of the FCC's Rules and Regulations. Summary: The Commission will consider whether to adopt a proposal to extend the effective date of the type acceptance requirement for external radio frequency power amplifiers operating below 144 MHz.

General—2—Title: In re petitions by Utilities Telecommunications Council and Telocator Network of America (SS Docket 79–18), for amendment of Parts 2, 22 and 94 of the PCC's Rules and Regulations. Summary:
The Utilities Telecommunications Council
filed a petition for rulemaking requesting
reallocation of certain 900 MHz frequencies
for use in distribution automation.
Telocator Network of America has filed
comments in this proceeding indicating a
similar need for common carrier wide-area
and multi-city paging services. The
frequencies involved are presently either
reserved or allocated to the Private
Operational-Fixed Microwave Service and
the International Control Services. The
items before the Commission addresses the
merits of these requests.

merits of these requests.

Private Radio—1—Title: Proposed rule revision which will implement the frequency allotment plan for the Aeronautical Mobile (R) Service by February 1, 1983. This Frequency Allotment Plan was adopted at the World Administrative Radio Conference on the Aeronautical Mobile (R) Service, Geneva, 1978. Summary: The Commission will consider rule amendments to implement changes in the assignment of frequencies allocated to the Aeronautical Mobile (R) Service for air traffic control and other related uses.

Private Radio-2-Title: Petition for Reconsideration to extend effective date of Rules adopted in PR Docket 79-338 which instituted a system of temporary licensing for multiple licensed mobile relay systems in the Business Radio Service from January 1, 1981 to March 4, 1981. Summary: The FCC will decide whether to grant the petition for limited reconsideration filed by the General Electric Company to extend the effective date of rules adopted in PR Docket 79-338 which instituted a system of temporary licensing for multiple licensed mobile relay systems in the Business Radio Service from January 1, 1981 to March 4, 1981. In the Report and Order in this proceeding, released September 4, 1980, the Commission decided that delaying the effective date of the subject rules until January 1, 1981, would allow sufficient time for radio equipment manufacturers to adjust their distribution and marketing systems to take advantage of the new rules.

Common Carrier—1—Title: Application for review filed by ITT World Communications, Inc. in File No. I-P-C-59. Summary: The item considers the application for review filed by ITT World Communications Inc. which requests the Commission to review and reverse an order granted by the Chief, Common Carrier Bureau which authorized Graphnet Inc. to expand its international service authorization. The issues presented are: (1) whether action by the Chief, Common Carrier Bureau on delegated authority was proper in this case; (2) whether the action by the Chief, Common Carrier Bureau was an improper attempt to extend the time limit imposed on Graphnet's international facsimile service authorization, which is now expired; and (3) whether an evidentiary hearing was required before Graphnet could be authorized to provide additional services.

Common Carrier—2—Title: Petitions for reconsideration of United Telephone

Company of Florida, 77 F.C.C. 2d 1015 (1980), Florida Telephone Corp., Mimeo No. 33924 (released July 25, 1980), and West Jersey Telephone Co., Mimeo No. 36131 (released Sept. 23, 1980). Summary: The Commission will consider petitions for reconsideration of three orders relating to Carrier Originating and Terminating Service (COATS) tariffs filed by several companies of the United Telecommunications, Inc. System. The orders for which review is sought denied petitions to reject the tariffs and granted, in part, petitions to suspend and investigate the tariffs.

Cable Television-1-Title: Report and Order in CT Docket 70-193. Summary: Television Muscle Shoals, Inc., licensee of station WOWL-TV, Florence, Alabama, filed a petition to add Florence to the television market now designated Huntsville-Decatur, Alabama (#96). This Order would deny the petition. Inclusion of Florence in the market would have made Florence television stations "must-carry signals" for cable systems within the Grade B contour of Huntsville and Decatur television stations. The Order finds that Florence is not part of the Huntsville-Decatur viewing market; that there is no public need to include Florence in the market; and that the burden would be too great on Huntsville and Decatur cable systems to require them to carry the Florence station under the mandatory

signal carriage rules.
Assignment and Transfer—1—Title: (1) Application for transfer of control of Summit Communications, Inc., licensee of stations WSJS and WTOR(FM), Winston-Salem, North Carolina, from Gordon Grav to Gordon Gray, Jr., Burton C. Gray, C. Boyden Gray, and Bernard Gray as Individual Trustees under a Living Trust. (BTC-800806EJ; BTCH-800806EK). (2) application for transfer of control of WKBN Broadcasting Corporation, licensee of stations WKBN, WKBN-FM and WKBN-TV. Youngstown, Ohio, from Warren P. Williamson, Jr. to Warren P. Williamson, III and Joseph D. Williamson, II (BTC-800722EM; BTCH-800722EN; BTCCT-800722KG). Summary: These applications, while unrelated, involved proposals for intrafamily transfers of stock in licensees with "grandfathered" media combinations. The Commission will consider whether the circumstances of these cases warrant waiver of the multiple ownership rules and grant of the applications.

grant of the applications.

Assignment and Transfer—2—Title: Petition—For Reconsideration and Special Relief filed by Long-Pride Broadcasting Company which requests that the Commission reconsider its decision of July 31, 1980, denying issuance of a tax certificate (26 U.S.C. § 1071) in connection with the transfer of control of the licensee of stations KEYN (AM/FM), Wichita, Kansas. Summary: The Commission will consider, in light of the petition for reconsideration, whether to issue a tax certificate pursuant to its Minority Ownership Policy in connection with the sale of KEYN(AM/FM), Wichita, Kansas, to Long-Pride

Broadcasting Company.

Renewal—1—Title: Service Broadcasting
Corporation (SBC) application for renewal
of license for Station KKDA(FM), Dallas,
Texas. Summary: Commission considers
whether renewal of SBC's 1980 license
renewal application is in the public
interest, in light of the results of a field
investigation conducted by the Broadcast
Bureau.

Renewal—2—Title: Updated EEO program with hiring goals and timetables submitted by WOOF, Incorporated, licensee of Stations WOOF and WOOF-FM, Dothan, Alabama. Summary: The Commission considers the updated EEO program including minority goals and timetables submitted by WOOF, Incorporated.

Renewal—3—Title: Short-term renewal application of Station WROV, Roanoke, Virginia. Summary: The Commission considers the short-term license renewal application of Station WROV, Roanoke, Virginia, filed by WROV Broadcasters, Inc.

Aural—1—Title: Petition for Reconsideration filed on behalf of Mr. Wifredo Blanco Pi, directed against the action of the Commission denying both the "Request for Reconsideration" and Petition to Deny filed against WXYX (FM)'s extension and license applications. Summary: The gravamen of both the "Request for Reconsideration" and the Petition to Deny is that WXYX did not diligently pursue construction of the authorized facilities. On September 18, 1979, the Commission made the determination that WXYX did meet its statutory requirement under Section 319(b) of the Communications Act in constructing the authorized facilities. Mr. Blanco Pi requests reconsideration of this action.

Aural—2—Subject: Memorandum Opinion and Order in re application of Mariner Communications, Inc. to improve the facilities of AM station WITS, Boston, Massachusetts. Summary: The FCC considers two petitions for reconsideration of its grant of this application, and a petition to revoke WITS's license. The three petitions primarily question whether the proposed WITS operation would cause interference to two suburban Boston stations and whether WITS has been operated in the public interest.

Aural—3—Title: In re application (BPH-790413AM) of WMIL, Inc. for change in the facilities of FM Station WMIL, Waukesha, Wisconsin. Summary: The Commission considers the above application and a petition to deny by WXFM, Inc., licensee of FM Station WXFM, Elmwood Park, Illinois.

Television-1-Title: Petition for Reconsideration, filed by Coral Television Corporation, of Commission's action granting without hearing the mutually exclusive application of Miami STV, Inc. and dismissing the Coral application. Summary: Coral Television Corporation, licensee of Station WCIX-TV, Channel 6, Miami, Fla. and recently an applicant for a CP for a new UHF station on Channel 33, Miami, Fla., has petitioned for reconsideration the Commission's action of July 31, 1980, granting without hearing the mutually exclusive application of Miami STV, Inc., and dismissing the Coral application. The issue before the

Commission is whether Coral has made a showing justifying grant of its petition.

Broadcast—1—*Title:* Prime Time Access Rule, Waiver Of. Summary: Two requests for waiver by stations which are "fourth" network affiliates in their markets (WUHQ-TV, Grand Rapids-Kalamazoo-Battle Creek, Michigan, and WATR-TV, Hartford-New Haven (Waterbury), Connecticut.

Broadcast—2—Title: Coded information in the aural transmissions of radio and television stations for program identification purposes. Summary: The Commission considers Docket No. 18877 proposals to permit the inclusion of coded information in the aural transmissions of radio and TV stations for the purpose of program identification.

Broadcast—3—Title: Motion filed by M.

Thomas Henderickson, December 5, 1980, seeking stay of an Order of the Chief, Broadcast Bureau, extending the cut-off date of certain translator applications. Summary: The Commission will consider whether or not to grant a Motion filed by M. Thomas Henderickson, December 5, 1980, seeking stay of an Order of the Chief, Broadcast Bureau, extending the cut-off date of certain TV translator applications.

Broadcast—4—Application filed by Blair Broadcasting of California, Inc., for authority to construct a new UHF television translator station to serve Santa Barbara, California. A petition to deny filed by Key Television, Inc., licensee of station KEYT-TV, Santa Barbara. Summary Petitioner alleges that the proposed translator would violate Section 74.731(a) (purpose and permissible service) of the Rules; that there is no need for the proposed translator; that a grant of the proposed translator will thwart the development of UHF service in Santa Barbara; that the applicant is not financially qualified; and that a grant of the application would result in a violation of U.S. copyright laws.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: December 15, 1980.
Federal Communications Commission.
William J. Tricarico,
Secretary.
[5-2317-80 Filed 12-15-80; 3:13 pm]

BILLING CODE 6712-01-M

8

FEDERAL COMMUNICATIONS COMMISSION.

The Federal Communications Commission will hold a Special Open Meeting, on the subjects listed below on Friday, December 19, 1980 at 9:30 a.m., in Room 856, at 1919 M Street, N.W., Washington, D.C. Agenda, Item Number, and Subject

Common Carrier—1—Title: Manual and Procedures for the Allocation of Costs. Summary: This Order adopts an interim cost manual to be followed by AT&T. A Notice of Proposed Rulemaking put the interim manual out for comments in June, 1980 (74 FCC 2d 1296).

Common Carrier—2—Title: Petitions to reject and suspend and investigate revisions to AT&T's Wide Area Telecommunications Service (WATS) tariff (Transmittal No. 13555). Summary: The Commission will consider whether to grant requests from forty-one petitioners to reject and suspend and investigate AT&T's proposed revisions filed September 15, 1980, to its WATS tariff.

Common Carrier—3—Title: Petitions for rejection, and suspension and investigation of RCA American Communications' Tariff FCC Nos. 1 and 2, effective December 26, 1980. Summary: The FCC will consider whether to grant petitions requesting either rejection or suspension and investigation of RCA American Communications' tariff revisions effective December 26, 1980 proposing a rate increase and substantial restructuring of its satellite service offerings.

Common Carrier—4—Title: Petition for rejection of American Telephone and Telegraph Company, Tariff FCC No. 283, Picturephone (R) Meeting Service. Summary: The FCC will consider whether to grant the petition filed by Satellite Business Systems to reject AT&T's teleconferencing service offering.

Common Carrier—5—Title: Elimination of the Telephone Company-Cable Television Cross-ownership Rules, Section 63.54-63.57, for Rural Areas. Summary: The Commission will consider a Notice of Proposed Rulemaking which would define rural areas in the context of the cross-ownership rules and eliminate the need for telephone companies to obtain waivers of the rules in order to provide service to their rural telephone service areas.

Common Carrier-6-Title: In re the Application of Shenandoah Telephone Company, File No. W-602-94; In re the Application of Shenandoah Telephone Company, File No. W-P-C-3145. Summary: The Commission will consider a petition for waiver of Sections 63.54 and 64.55 of its Rules and an application for Section 214 authority to permit an affiliate of Shenandoah Telephone Company to construct, own and operate cable television facilities in Shenandoah County, Virginia. The petition and application are opposed by Commonwealth Cablevision Corporation and the National Cable Television Association.

Common Carrier—7—Title: Salina-Spavinaw
Telephone Company and its affiliate,
Lakeside Cable Company, waiver and
authorization application to construct and
operate a coaxial cable television system
within the telephone company's service
area in the towns of Salina and Locust
Grove, Oklahoma and their adjacent rural
areas. Summary: The Commission will
consider in this matter whether to waive its
rules which generally prohibit a telephone

company from providing cable television service within its telephone exchange area. Common Carrier-8-Title: Applications of Winter Park and Orange City Telephone Companies to construct point-to-point microwave facilities in order to rehome Orange City's toll and other services to Winter Park's Class 4 office. Summary: Southern Bell Telephone Company is petitioning the Commission to deny the subject applications on the grounds that since Southern Bell had previously been granted authority, pursuant to Section 214 of the Act, to rehome the Orange City traffic, via cable, to Southern Bell's Class 4 office a grant of the applicants' proposal would call for an unwarranted duplication of facilities, prematurely exhaust NNX code allocations in the 305 Number Plan Area and necessitate an unjustifiable abandonement of service by Southern Bell.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: December 15, 1980.

Federal Communications Commission.

William J. Tricarico.

Secretary.

[S-2318-80 Filed 12-15-80; 3:13 pm]

BILLING CODE 6712-01-M

9

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)). notice is hereby given that at its closed meeting held at 9:30 a.m. on Monday, December 15, 1980, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Mr. H. Joe Selby, acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting. on less than seven days' notice to the public, of the following matters:

Application of Fidelity Management Trust Company, a proposed new bank, to be located at 82 Devonshire Street, Boston, Massachusetts, for Federal deposit insurance and for consent to exercise trust

Application of Albany Savings Bank, Albany, New York, for consent to establish a branch in the Sangertown Square Mall, in the vicinity of the junction of Routes 5 and 5A. New Hartford, New York.

Application of Auburn Savings Bank, Auburn, New York, for consent to establish a branch at 34 South Main Street, Moravia, New York.

Recommendations regarding First
Pennsylvania Bank, Bala-Cynwyd,
Pennsylvania, and First Pennsylvania
Corporation, Philadelphia, Pennsylvania

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,587–L—The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee

Case No. 44,596-L—Franklin National Bank, New York, New York

Memorandum and Resolution re: State Bank of Clearing, Chicago, Illinois

Memorandum and Resolution re: First State Bank of Hudson County, Jersey City, New Jersey

Memorandum and Resolution re: American Bank & Trust Company, New York, New York

Memorandum and Resolution re: Franklin National Bank, New York, New York Memorandum and Resolution re: American City Bank & Trust Company, National Association, Milwaukee, Wisconsin

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

Dated: December 15, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-2309-80 Filed 12-15-80; 2:51 pm]

BILLING CODE 6714-01-M

10

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 9:00 a.m. on Monday, December 15, 1980, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Mr. H. Joe Selby, acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the

public, of a recommendation regarding the San Francisco Regional Office.

The Board further determined, by the same majority vote, that no earlier notice of the meeting was practicable.

Dated: December 15, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-2310-80 Filed 12-15-80; 2:51 pm]

BILLING CODE 6714-01-M

11

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 11:30 a.m. on Monday, December 22, 1980, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of Title 5, United States Code, to consider the following matters:

Applications for Federal deposit insurance:

Bay Bank of Commerce, a proposed new bank, to be located at 1495 East 14th Street, San Leandro, California.

Stewardship Bank of Oregon, a proposed new bank, to be located at 1918 N.E. 181st Avenue, Multnomah County (P.O. Portland), Oregon.

Pend Oreille Bank, a proposed new bank, to be located at the southeast corner of Walnut Street and Washington Avenue, Newport, Washington.

Lavalette State Bank, a proposed new bank, to be located on State Route 152, Lavalette, West Virginia.

Fall River Five Cents Savings Bank, Fall River, Massachusetts, an operating noninsured mutual savings bank. Lawrence Savings Bank, Lawrence,

Massachusetts, an operating noninsured mutual savings bank.

Plymouth Savings Bank, Wareham, Massachusetts, an operating noninsured mutual savings bank.

Salem Five Cents Savings Bank, Salem, Massachusetts, an operating noninsured mutual savings bank.

Application for Federal deposit insurance and for consent to establish a branch:

Springfield Institution for Savings,
Springfield, Massachusetts, an operating
noninsured mutual savings bank, for
Federal deposit insurance and for consent
to establish a branch in Ingleside Mall,
Whiting Farms Road, Holyoke,
Massachusetts.

Request for reconsideration of a previous denial of an application for Federal deposit insurance and for consent to establish a branch: Suisun Valley Bank, a proposed new bank, to be located at 1000 Texas Street, Fairfield, California, for Federal deposit insurance and for consent to establish a branch at the intersection of Travis Boulevard and Oliver Road, Fairfield, California.

Request to amend a previous order approving Federal deposit insurance to include consent to move a branch office:

Reading Savings Bank, Reading, Massachusetts

Applications for consent to establish a

The Morris County Savings Bank,
Morristown, New Jersey, for consent to
establish a branch at 200 Madison Avenue,
Convent Station, New Jersey.

Banco Central y Economias, San Juan (Hato Rey), Puerto Rico, for consent to establish a branch on Road 2 between Tartak and the Chase Manhattan Building, Bayamon, Puerto Rico.

Application for advance consent to the retirement of a subordinated capital note:

Banco Central y Economias, San Juan (Hato Rey), Puerto Rico.

Request pursuant to section 19 of the Federal Deposit Insurance Act for consent to service of a person convicted of an offense involving dishonesty or a breach of trust as a director, officer, or employee of an insured bank:

Name of person and of bank authorized to be exempt from disclosure pursuant to the provisions of subsection (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6)).

Request for relief from reimbursement of violations under Regulation Z:

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)[8] and (c)[9](A)[ii] of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)[8] and (c)[9](A)[ii]).

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,590-L—American City Bank & Trust Company, National Association, Milwaukee, Wisconsin

Case No. 44,592-NR—United States National Bank, San Diego, California

Case No. 44,593-NR—San Francisco National Bank, San Francisco, California

Resolution re: Establishment of a
Legal Services Contracting Committee.
Recommendations with respect to the
initiation, termination, or conduct of
administrative enforcement proceedings
(cease-and-desist proceedings,
termination-of-insurance proceedings,
suspension or removal proceedings, or
assessment of civil money penalties)

against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C, 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

Reports of committees and officers:

Audit Report re: Legal Fees and Related Procedures, dated January 17, 1980. Audit Report re: Definition Stage of the New Assessments System, dated July 24, 1980.

Audit Report re: FDIC's Contributions to Employee Benefits, dated August 29, 1980. Audit Report re: Audit of Selected Asset and Income Accounts, dated September 30, 1980.

Audit Report re: Liquidation Audits, dated October 14, 1980.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: December 15, 1980.
Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

[S-2311-80 Filed 12-15-80; 2:50 pm] BILLING CODE 6714-01-M

12

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 11:00 a.m. on Monday, December 22, 1980, to consider the following matters:

Disposition of minutes of previous meetings.

Memorandum re: Division of Liquidation Policy for Writing Down the Book Value of Assets.

Memorandum re: Budgets of Liquidation Expenses for Budget Year 1980—The Citizens State Bank, Viola, Kansas; and City and county Bank of Campbell County, Jellico, Tennessee. Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550, 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: December 15, 1980. Federal Deposit Insurance Corporation. Hoyle L. Robinson,

Executive Secretary.
[S. 2312-80 filed 12-15-80; 2:50 p.m.]
BILLING CODE 6714-01-M

13

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 81352, December 10, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:00 a.m., December 12, 1980.

CHANGE IN THE MEETING: The following item has been added:

Item Number and Subject

No. 2—Commission Deliberations Concerning the Investigation of a Jurisdictional Company and the Commission's Participation in a Civil Action.

Kenneth F. Plumb, Secretary. [S-2322-80 Filed 12-15-80; 4:11 pm] BILLING CODE 6450-85-M

14

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 82434, December 15, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., December 17, 1980. CHANGE IN THE MEETING: The following items have been added:

Item Number, Docket Number, and Company
M-4(A): RM79-54, Small Power Production
and Cogeneration Facilities—Qualifying

M-4[B]: OF80-17, Vermont Marble Company

M-11: RO79-8, North American Production

RP-2: RP79-64, Florida Gas Transmission

RP-3: IS80-76 and IS80-47, et al., Buckeye Pipe Line Company

RP-5: RP77-107 and RP78-68, United Gas Pipe Line Company

CP-6(A): CP78-123, et al., Northwest Alaskan Pipeline Company; CP78-124, Northern Border Pipeline Company; CP79-60, Pacific Transmission Company

CP-6(B): Delegation to The Federal Inspector of Certain Authority under Sections 4, 5, 7 and 8 of the Natural Gas Act

CP-7(A): CP80-473 and RP80-126, Equitable Gas Company

CP-7(B): CP80-292, Consolidated Gas Supply Corporation; CP80-327, Tennessee Gas Pipeline Company a Division of Tenneco

Kenneth F. Plumb,

Secretary.

[S-2321-80 Filed 12-15-80; 4:11 pm]

BILLING CODE 6450-85-M

15

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 10 a.m., Monday, December 15, 1980.

PLACE: 1700 G Street NW., Board Room, Sixth floor, Washington, D.C.

STATUS: Closed meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-

MATTERS TO BE CONSIDERED: The following items have been added to the closed meeting:

Office of Finance Budget Revision of FHLBank of Cincinnati Budget. [S-2308-80 Filed 12-15-80; 1:42 pm]

BILLING CODE 6720-01-M

16

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

December 11, 1980.

TIME AND DATE: 10 a.m., Wednesday, December 17, 1980.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Allied Chemical Company, Docket No.

HOPE 78-222-P (Issues include interpretation and application of 30 CFR § 75.1404-1).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202-653-5632.

[S-2306-80 Filed 12-15-80; 12:31 pm] BILLING CODE 6820-12-M

17

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: Approximately 11 a.m., Monday, December 22, 1980, following a recess at the conclusion of the open meeting.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed. (It is expected that this will be the last closed meeting during

MATTERS TO BE CONSIDERED:

1. Request by the General Accounting Office for Board comment on a draft report concerning currency transportation.

2. Proposed purchase, under competitive bidding, of computer equipment within the Federal Reserve System. (Originally announced for a meeting on Monday. December 15, 1980.)

3. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

4. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Covne. Assistant to the Board (202) 452-3204.

Dated: December 13, 1980. Theodore E. Allison,

Secretary of the Board.

[S-2307-80 Filed 12-15-80; 12:50 pm]

BILLING CODE 6210-01-M

18

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Monday, December 22, 1980.

PLACE: Board Building, C Street entrance between 20th and 21st Streets NW., Washington, D.C. 20551.

STATUS: Open (It is expected that this will be the last open meeting during 1980.).

MATTERS TO BE CONSIDERED: .

1. Any agenda items carried forward from a previously announced meeting.

Note.-Please call the Board's Public Affairs Officer on Friday, December 19. 1980, for specific items, if any.

Note.-This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for \$5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 462-3204. Dated: December 15, 1980.

Theodore E. Allision,

Secretary of the Board.

[S-2319-80 Piled 12-15-80 3:56 pm]

BILLING CODE 6210-01

FEDERAL RESERVE SYSTEM.

Committee on Employee Benefits of the **Board of Governors**

TIME AND DATE: 2:30 p.m., Monday, December 22, 1980.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551

MATTERS TO BE CONSIDERED:

1. The Committee's agenda will consist of matters relating to (a) the general administrative policies and procedures of the Retirement Plan, Thrift Plan, Long Term Disability Income Plan, and Insurance Plan for Employees of the Federal Reserve System: (b) general supervision of the operations of the Plans; (c) the maintenance of proper accounts and accounting procedures in respect to the Plans; (d) the preparation and submission of an annual report on the operations of each of such Plans; (e) the maintenance and staffing of the Office of the Rederal Reserve Employee Benefits System; and (f) the arrangement for such legal actuarial accounting administrative and other services as the Committee deems necessary to carry out the provisions of the Plans.

Specific items will include officer appointments and related salaries, changes in the language of the benefits plans, and appointment of a Trustee of the Thrift and Retirement Plans.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: December 15, 1980.

Theodore E. Allison.

Secretary of the Board.

[S-2320-80 Filed 12-15-80; 3:59 pm]

BILLING CODE 6210-01-M

20

[1P0401]

PAROLE COMMISSION.

United States Parole Commission, National Commissioners (the Commissioners presently maintaining offices at Washington, D.C. Headquarters).

TIME AND DATE: 9:30 a.m., Thursday, December 18, 1980.

PLACE: Room 724; 320 First Street NW.; Washington, D.C. 20537.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

from Regional Commissioners of approximately 10 cases in which inmates of federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda W. Marble, Chief Case Analyst, National Appeals Board, U.S. Parole Commission (202) 724–3094.

[S-2393-80 Filed 2-15-80; 10:39 am] BBLLING CODE 4410-01-M



Wednesday December 17, 1980

Part II

Department of Commerce

Bureau of the Census

Position on Adjustment of the 1980 Census Counts for Underenumeration

DEPARTMENT OF COMMERCE

Bureau of the Census

Position on Adjustment of the 1980 Census Counts for Underenumeration

Note.-This document originally appeared in the Federal Register for Tuesday, December 16, 1980. It is reprinted in this issue at the request of the agency.

Consistent with the May 13, 1980 directive of the Secretary of Commerce, the Bureau of the Census has now completed a thorough and open review of the census undercount adjustment issue and has arrived at a decision on adjustment of 1980 census results. The process leading to the decision included a review of preliminary results from the census; the eliciting of comments from Federal agencies and interested parties among the general public; the implementation of our 1980 evaluation efforts: and the initiation of further planning in this area designed to improve the measurement process.

This notice transmits the Census Bureau's decision on whether and how a statistical adjustment of census data should be implemented. This decision is presented independent of the pending judicial actions that may impose other procedures, timing, or applications.

Dated: December 11, 1980.

Vincent P. Barabba,

Director, Bureau of the Census.

Note.-This paper describes how the Bureau of the Census will treat the undercount adjustment question in the absence of judicial or congressional decisions to the contrary.

Executive Summary

Undercounting the population in decennial censuses has long been a concern of elected officials, researchers and the public. Prior to the 1980 census, such undercoverage became a major statistical issue in large part because of the distribution of large sums of Federal funds to State and local governments on the basis of decennial census data. This centroversy has generated proposals, legislative initiatives, and lawsuits which would result in a statistical adjustment of 1980 census counts to include estimates for those believed to have been omitted from the actual enumeration.

The Bureau of the Census has committed itself to deal with the undercount issue in a careful, systematic, and open way, so that decisions on the questions of whether, when, and how to adjust for census undercount would be clearly understood, if not embraced, by all affected individuals and groups. The

process employed was fully consistent with the directive of Philip M. Klutznick, Secretary of Commerce.

Paramount in the undercount adjustment decision, in the Bureau's view, is the completeness of coverage of the 1980 census. Therefore, the process was designed to provide adequate time for preliminary assessments of the contribution of the large investments that have been made in coverage improvement programs. Data now available show that these coverage improvement programs met with considerable success.

Indeed, preliminary field count data show an impressively larger count than anticipated on the basis of unadjusted precensus estimates. The official estimate of the population for April 1, 1980 was 221.7 million (the unadjusted 1970 census count plus births and net known immigration and minus deaths over the decade). Based on preliminary data for areas containing almost all of the nation's population we believe that the 1980 census count will fall within the range of 225.7 to 226.0 million. The Bureau's preferred demographic analysis estimate of the "true" population (exclusive of illegal residents) is near 226 million. Taken together, these figures indicate a tiny, or nonexistent measured undercount. In fact, as explained in Section II, there is some undercount, but it cannot be measured adequately because we have no method, at present, to measure the number of illegal residents. As a result, our best estimate of the "true" population does not include illegal residents. The apparent zero undercount results from the underenumeration of legal residents being offset by enumeration of illegal residents.

The improvement in the 1980 census count and the inability to accurately measure the size and distribution of the illegal population are the determining factors in the undercount adjustment question as far as the 1980 census counts are concerned. At present, the Bureau has no sound statistical basis for estimating the true undercount or

introducing adjustments.

Therefore, were it not for the existence of a court order requiring an adjustment of the 1980 census data (Detroit lawsuit) the Bureau would not introduce adjustments for the undercount. Should that court order be reversed, the Bureau plans to report and certify to the President final tablulated census counts, with no statistical adjustment, as the official population data for use in apportionment of representatives in the House of Representatives and for all other official purposes. If permitted, the Bureau plans

to publish the entire series of decennial census statistical reports without adjustment for undercount.

Well before the census data were available to dictate a decision on statistical grounds, the Bureau was engaged in a comprehensive, systematic assessment of the issue. The findings of the final stages of that process are an important adjunct of the current decision and in the determination of how the Bureau will deal with this issue in the future. In particular, in moving toward a decision, the Bureau carefully indentified the most critical assumptions that provide the basis for decisions about adjustment. These assumptions and the reactions to them represent a wide range of contributions made by many individuals and organizations outside the Bureau as well as through a major conference and two staff workshops on this subject.

The process revealed a continuing need for research and development in the area of undercount adjustment. Thus, while the regular census tabulation and publication programs proceed in accord with established guidelines, the Bureau's evaluation and undercount analysis programs will be accelerated. As in the past, undercount research findings will be published promptly and consultation with users and interested researchers will be initiated in many forums. Unlike the patterns followed in the 1970's and 1960's, however, the Bureau will directly utilize undercount research findings in its post-census estimates programs as warranted. That is, if contrary to our current expectations, the research and evaluation results indicate that undercount adjustments to specific areas would clearly improve the Bureau's overall postcensal estimates of the population and its characteristics, such adjustments would be introduced in postcensal estimates programs. Because most revenue-sharing and block grant programs use postcensal estimates in fund distribution, this decision would mean that adjusted data would be used in the distribution of funds through allocation programs.

In considering any such adjustments, the key criteria will be to adjust only when there is clear statistical evidence of overall improvement in accuracy. In the past, the Bureau has led the statistical profession by pointing out the strengths and limitations of the data it produces. In continuance of this tradition, the Bureau will provide, along with any significant adjustments, a package of supporting analyses, error measures where possible, specification of assumptions, as well as follow its

practice of dialogues with users and other interested parties.

Section I.—Introduction.

This document presents the conclusions arising from a systematic analysis and evaluation process designed to provide an appropriate decision on whether, when, and how to adjust population and related socioeconomic data generated by the U.S. Bureau of the Census to correct for underenumeration in the decennial census. The guidance of Secretary Klutznick on this subject and the principal steps and administrative framework for making the decision, adopted in response to his directive, are presented in Appendix A.

The prime factor in the undercount adjustment decision, of course, is the completeness of the 1980 census count, or, less positively, the estimated size and statistical methods available for measuring the census undercount. Section II of this document presents the latest information on the size of the population count and revised estimates of the "true" population based on demographic analysis. A list of articles, monographs and reports that provide definitions of terms, the analytic foundation and important evaluations of the statistical and conceptual aspects of the undercount issue is provided in Appendix B.

Although a decision not to adjust the census counts automatically follows from the data presented in Section H, the findings of an extensive process to reach a decision are relevant and important on the grounds that undercount adjustment may still prove to be desirable in the Bureau's post-census estimates programs. Therefore, Section III of this paper summarizes the general public comment arising from the assumption testing process. Section IV of this paper further analyzes the user reaction and the available evidence bearing on individual key assumptions underlying the undercount adjustment decision.

The final section of the paper summarizes grounds for the decision not to adjust the 1980 census counts of population and related socioeconomic data for undercount, and explains briefly the Bureau's ongoing commitment to undercount research and to improvement of our postcensal estimates.

The decision not to adjust the 1980 census counts was reached on the basis of technical and operational considerations in the context of comprehensive assessments of current

and future user and stakeholder needs; it is, therefore, independent of the various pending judicial actions that may impose other decisions. This is particularly true for the Detroit lawsuit, where a decision now under appeal would require adjustment of the 1980 census counts to be used to apportion the U.S. House of Representatives and to redistrict within States. Thus, this paper presents the decision that the Bureau will implement if permitted to do so by the absence of conflicting judicial decisions or congressional acts.

Section II.—The 1980 census count and estimated "true" population.

As part of its ongoing responsibilities, the Census Bureau developed an official estimate of the resident population of the United States for April 1, 1980, prior

to the 1980 census. The Bureau's population estimates are developed using the "component method". This method starts with the previous census count, adds births and known net immigration, and subtracts deaths during the intervening period to obtain the official estimate for the relevant point in time. For the 1980 census date, this process led to an estimate that the enumerated population would total 221.7 million persons. That estimate provided a planning figure for the census. This method has worked well in past censuses to predict the final census count. As shown in the following tabulation, the final census count and the component method estimates were virtually identical for the 1960 census and within two-tenths of one percent for

Derivation of Resident Population Estimates

[In thousands]

	1950 to 1960	1960 to 1970	1970 to 1980
Starting census count Plus: Births over the decade Plus: Net known immigration over the decade and net movement of Armed	151,326 +40,963	179,323 +39,073	203,235
Forces to overseas posts. Minus: Deaths over the decade	+2,645 -15,608	+3,427 -18,608	+4,474 -19,275
Equals planning estimates for next census. Census count Difference	179,326 179,323 -3	203,614 203,235 —379	221,673

NOTE.—The figures do not include any allowance for undocumented residents or net illegal immigration.

The component method does not make allowance for underenumeration in the previous census, so there is an undercount in the estimate for 1980. In the case of 1980, the postcensal estimate of 221.7 million is about 2 percent below the Bureau's preferred estimate of the "true" resident population as discussed in the section on estimates of the "true" population.

Preliminary 1980 Census Counts

Unlike the experience of 1960 and 1970, it is now clear that the 1980 census count will exceed the April 1980 population estimate by a very large margin. That expectation is based on preliminary field count figures for areas in which about 99.9 perent of the U.S. population resides. The preliminary tally of the population in those areas is 1.6 percent higher than the official estimates of the population residing in those geographic areas and the minimum final count for the Nation as a whole has reached 225.2 million. Because additional persons not in the preliminary field count tallies (such as

late enumerations from the "Were You Counted" and local review programs, and additions from unclassified units) will also be included, the final count now is expected to be between 225.7 and 226.0 million persons.

This information, while preliminary, reliably shows that the 1980 census count will reflect significant gains in coverage over the 1970 experience and relative to the official precensal estimate. Indeed, the likely final count is more than 4.0 million above the official estimate and a final count of 226 million would represent the enumeration of 4.3 million more persons than the official estimate.

The apparent improvement in coverage doubtless resulted in part from the pervasive support of citizens, business, labor, the media and local, . State and Federal officials. The improvement in coverage, however, is somewhat smaller than it appears from the summary estimates, since some unknown, and probably unknowable, number of illegal residents was counted in the census. To the extent that illegal residents were counted and to the extent that they are not reflected in the offical precensus population estimates,

Young v. Klutznick, Civil Action 80-71330, U.S. District Court, Eastern District of Michigan.

they make census coverage impossible to calculate with an appropriate degree of reliability.

Estimateing the "True" Population

The Census Bureau has maintained a strong and continuing undercount research commitment which has two prime objectives:

First, to improve its performance in subsequent censuses (and surveys), such as it clearly has done in 1980, by developing the fullest possible understanding of the sources and scale of underenumeration; and

Second, to inform users of the strengths and weaknesses of the data from each census so that this information might be taken into account in analytic and programmatic applications.

The goals of census-taking improvement and evaluation of the quality of data for various uses were well-served by the publication of analytic reports after the 1950, 1960, and 1970 censuses. These reports detailed the methodology, limitations, range of estimates, and, finally, discussed the "preferred" estimate of the level of undercount. In this process, the Bureau developed a "preferred" estimate of the Nation's "true" population using demographic analysis. (The "true" population minus the census count provides the estimate undercount). In 1970, the "true" population was estimated to be 208.5 million.

In the cases of undercount estimates for 1950 and 1960, the initial estimates of net national undercount were revised with the availability of comprehensive new data after the next census. The same procedure was to be followed in the present situation; that is, revised 1970 census undercount estimates were to be developed as soon as the relevant data were available from the 1980 census. However, because of the urgencies of the undercount adjustment issue, the Bureau accelerated all aspects of its review and revision of the 1970 census undercount estimates that could be done without the final census data for 1980 to ensure that all relevant data were used to address the undercount adjustment issue.

This review indicated that the estimated net undercount for 1970 was overstated by approximately 800,000 persons (Appendix C). This new information, together with other recent statistics and analysis, led to net reduction of almost 200,000 in the estimate of population growth for the period of 1970–1980. These changes left the "preferred" estimate of the Nation's "true" legal resident population as of

April 1, 1980 at around 226 million (based on demographic analysis).

This estimate of the "true" population, which relies on the demographic method, ignores the accepted fact of a significant increase in the number of illegal, "undocumented" residents in the United States between 1970 and 1980; the unknown and currently unmeasurable level of this undocumented population resident in the United States; and the high probability that the illegal population is meaningfully represented in the large increase in the population count over the official unadjusted population estimate.

The relative undercount probably was considerably smaller in 1980 than in earlier censuses but its extent and distribution cannot be reliably defined or estimated because we are not able to measure how many illegals were present and counted. In the absence of reliable information on illegals, and in light of the data now in hand, it is clear that the "true" population and, hence, the undercount for 1980 cannot be reliably estimated in the near term, if at all. Because of the much smaller measured undercount, it is our girm judgment on statistical grounds that adjustments for undercount are not in the public interest.

Section III.—General public comment

on undercount adjustment.

The Census Bureau has come to its decision about adjustment for census undercount in as open and participatory a manner as possible. To that end, stakeholders in the public and private sectors have been invited to participate fully in the process of identifying, analyzing and discussing the issues. Each step of the process has been fully documented and reports have been published by the Bureau to encourage and solicit the fullest possible participation by interested parties.

This procedure is part of a tested process for dealing with relatively unstructured problems. As part of the process, two staff workshops were organized according to the guidelines of a decision-making system, in which participants were divided into groups according to contrasting views and positions. Each group surfaced assumptions and challenged the assumptions of other groups. Through this exercise, a wide range of views and issues emerged, and these were coupled to facts that strengthened or weakened specific assumptions as well as identified the individuals or segments of the public that supported these assumptions and have perceived stakes in the outcome of the decision process.

Following the second staff workshop on undercount adjustment held

September 2-5, 1980, a document outlining the basis for the adjustment decision was produced. In Proceedings of the Second Census Undercount Workshop critical assumptions, supporting evidence and rebuttals that would need to be considered in addressing the question, "Should the Census Bureau adjust the 1980 Census results for purposes other than apportionment?", were spelled out in detail. In deciding whether or not to adjust census results, the Bureau assumed, based on Constitutional and statutory grounds, that only the unadjusted actual counts could be used for reapportioning the U.S. House of Representatives.2

The assumptions and rebuttals reflected our knowledge of the census operations, past undercounts, the many uses of census data and the concerns of users, and the state of the knowledge at the Bureau and among other statisticians of methods of measuring census undercounts and their reliability.

The document was widely circulated to stimulate reaction and comment: it was sent to all members of census advisory committees and to all Members of Congress; it was published on 2 consecutive days in the Federal Register; its contents were described to the press; the head of each Federal agency that uses census data received copies; and copies were distributed to all persons who requested them. This final pre-decision solicitation of views and reactions provided a wide range of comments.

Although any undercount adjustment would have many consequences throughout the decade, many comments centered on the implications of the decision for the distribution of Federal and State revenues to subordinate units of government on the basis of census and post-census data. Implications for research, program planning and other applications also were discussed in many comments. This section summarizes the general comments of stakeholders 3 on the assumptions the Bureau staff considered most critical in making the decisions on whether, when and how to adjust for the undercount.

Comments From Federal Agencies

As might be expected in light of their operational, administrative and public information uses of census data, comments from Federal agencies focused on the need for timeliness and internal consistency in census data. All

² See Section D. Proceedings of the Second Census Undercount Workshop.

³ The individuals and institutions commenting are listed in Appendix D.

the agencies fully support efforts to improve accuracy, but they also indicated that adjustment procedures should not delay incorporation of new census data in their programs.

Because many Federal agencies are dependent on small area data for distributions of funds and planning programs dependent on small area data. if a decision to adjust were made, they urged adjustments for all levels of geographic detail. Several agencies noted that adjustments of 1980 data to increase accuracy would not necessarily ensure equity in the application of data in Federal programs. Some funding programs, for example, are based on change over time. Adjustments to attain greater accuracy in 1980 census data may in fact distort measures of change from data from 1970 or intercensal estimates. Thus, several agencies commented that without undercount adjustments of 1960 and 1970 census data, and intercensal estimates, validity of the application of adjusted 1980 census data would be vulnerable to judicial challenge.

In the interest of timeliness and consistency, Federal agencies generally support the issuance of one official set of unadjusted census data released

without delay.

Comments From Minority Group Representatives

Responses from minority group representatives universally supported undercount adjustment for purposes of reapportionment and all applications in public programs, especially those involving fund distributions. Minority group representatives expressed the conviction that the census has significantly undercounted their populations and that adjustment for separate geographic areas is necessary for equitable political representation and program participation. Several of the groups, for whom no separate coverage estimates have been developed, urged that such estimates be developed and applied.

Comments From Technical Advisory Committee Members and Academics

Comments received from academic researchers reflected a general concern for accuracy and the timely release of census data. This user group relies on census data for analytical work and requires data that are internally consistent for characteristics as well as the population totals. Several comments reflected an awareness that the preliminary census results imply a relatively small undercount in the 1980 census and expressed concern that an adjustment procedure may introduce

more error than is present in the actual (unadjusted) count. Several of the letters expressed opinions about delays in timing and possible misgivings about the technical accuracy of available adjustment methodologies. In a related area, depositions by experts in the statistical and demographic disciplines have expressed concern about the accuracy of undercount measurement.

Comments From Cities and Other Governmental Units

Comments from persons representing cities and regions varied considerably. Those cities that felt they would gain through an adjustment, based upon the assumption that the experiences from 1970 would hold true again in 1980, were strongly in favor of undercount adjustment. In the main, those favoring adjustment were "Snowbelt" cities, which have lost population recently. By contrast, "Sunbelt" cities, which have gained popuation, generally felt that an adjustment of census counts was not necessary, and that the coverage improvement procedures used in 1980 had worked to get a good count. Some expressed the concern that if an adjustment was done, the northern cities would gain more political power than they deserved.

Representatives from planning commissions strongly expressed their concern that consistency be maintained in the data, that is, internal consistency for 1980 census results at all geographic levels and for socioeconomic and housing characteristics as well as consistency over time, so that trend data would be preserved. One opinion expressed was that not only there not be an adjustment for undercount, but that there should be an adjustment to remove those undocumented aliens who

were counted.

Public Comment

Comments were received from a few individual citizens. These uniformly were against adjustment; they generally felt that the count should reflect only the number of persons who made the effort to be counted. Some persons perceived that an adjustment in 1980 could lay the groundwork for the manipulation of future censuses for political reasons. One writer proposed that political subdivisions that felt they had not been properly counted share in the cost of a recount.

Section IV.—Assessment of the validity of the assumptions.

In this section, the key assumptions to undercount adjustment decisions are examined with reference to this basic

question: Should the Census Bureau adjust the 1980 Census counts for purposes other than apportionment? A "Yes" answer to this question requires that facilitating, statistical and user-oriented assumptions be accepted as plausible. However, rejection of any major assumption because the rebuttals are stronger means that the answer to this question should be "No."

The assumptions are organized into three categories: the first one dealing with assumptions necessary to carry out the adjustment, the second with assumptions necessary to satisfy user needs, and the third with technical statistical assumptions. Critical individual assumptions are discussed individually on the pages shown in the margin below and the full detail of specific supporting material and rebuttals identified at the second staff workshop on undercount adjustment is reproduced in Appendix E. These are the same assumptions that appeared in the report on the September 1980 Workshop.

Critical Facilitating Assumptions

1. The Census Bureau is recognized as having the ability to objectively make and defend the appropriate decision on whether or not to adjust census data. If the adjustments are to be made, the Census Bureau should formulate the procedures. This will promote a high standard of statistical rigor and encourage the appropriate use of census results. (page 6 in Appendix E)

1a. A Census Bureau adjustment procedure would be recognized as legally acceptable, meeting professional standards and providing users with more accurate data and would be perceived as equitable. (App. E-4)

2. The Census Bureau will continually examine, evaluate, and share its understanding of undercoverage throughout the decade. (App. E-2)

Critical User-Oriented Assumptions

3. Recognizing the present limits of technical feasibility, affected parties will accept and find useful initial adjustments for larger geographic areas only, despite program requirements for data for smaller areas. (App. E-10)

4. In order for adjustment to improve program effectiveness, program agencies will require adjustment for key demographic characteristics, such as age and income, as well as for total population counts; adjustment for a limited number of key characteristics will satisfy the most important program needs. (App. E-13)

Critical Statistical Assumptions

The Census Bureau has the ability to develop a statistical and analytical methodology which will permit adjustment of critical variables (e.g., selected subnational geographical units and selected characteristics) in a timely fashion. (App. E-3)

6. A simple synthetic adjustment procedure would not satisfy the Census Bureau's standards for accuracy. (App.

E-8)

7. Given the estimated magnitude of the undocumented alien population and the fact that our policy was to count all residents, it is important to include the development of an estimate of their "true" number as part of the 1980 Census evaluation and statistical adjustment program of the Census Bureau. (App. E-14)

Critical Facilitating Assumptions

Assumption 1. The Census Bureau is recognized as having the ability to objectively make and defend the appropriate decision on whether or not to adjust census data. If the adjustments are to be made, the Census Bureau should formulate the procedures. This will promote a high standard of statistical rigor and encourage the appropriate use of census results.

The Bureau has systematically studied the undercount problem and took the lead in analyzing the problem and its consequences. The Bureau has the appropriate technical skills, resources, and specialized knowledge to develop and implement a procedure for adjusting census data, and, of equal significance, has the organizational responsibility via statute, administrative order and judicial interpretations. Most affected parties have strongly expressed their opinions that, if an adjustment is justified by statistical evidence, the Bureau should make the actual adjustment rather than anyone else. No one has questioned the Bureau's competence in this area, nor its objectivity or integrity. Official statistics issued by the Bureau are accepted by the public as impartial, and free of vested interests. However, more than one stakeholder felt that it was appropriate for the Courts to make the decision about whether or not to adjust, and that it was the duty of the Census Bureau to act upon that decision by providing appropriate methodology. It was also suggested that the only manner in which the Bureau could ensure appropriate use of data is to produce one set of adjusted estimates that are internally consistent. This assumption is warranted and facilitates a decision to adjust if it is justified on other grounds.

Assumption 1a. A Census Bureau adjustment procedure would be recognized as legally acceptable, meeting professional standards and providing users with more accurate

data, and would be perceived as equitable.

This assumption is related to Assumption 1 and is warranted on essentially the same grounds. However, its acceptance is based on the care the Bureau has shown in the past in making similar decisions. In supporting this assumption, supporters recognize that the Bureau may decide not to adjust on the basis that the prime methods available to adjust have serious shortcomings; namely, estimates of undercount from demographic analysis are subject to unknown errors, especially in the net immigration component. Undercount estimates from the Post Enumeration Program surely will be subject to high sampling variances and nonsampling statistical and operational features that contribute to bias, some of which cannot be adequately measured by available techniques. Beyond measuring the undercount itself, studies of synthetic estimates used for subnational or sub-State distribution of adjustment have shown that any areas with undercount rates much above or below the national average would be adjusted in such a way that the error in the undercount adjustment would be high.

If an adjustment were to be made, however, responses to the Bureau (and the current experience of the Bureau in the courts) reveal that this would be acceptable to some groups and very unacceptable to others. The Census Bureau has stated that its concern is with accuracy and has taken the position that greater accuracy of the data would, by definition, provide greater equity. However, one respondent rejected this equation, saying that the Bureau was overly concerned with accuracy, that this concern would delay production of adjusted data, and that the delay in itself would be inequitable to the groups that were undercounted.

Assumption 2. The Census Bureau will continually examine, evaluate, and share its understanding of

undercoverage throughout the decade. This assumption is warranted but does not necessarily facilitate a decision to adjust. Clearly, the Bureau has the responsibility to continue to improve the state of the art by striving to achieve greater statistical accuracy in coverage estimates and in all other aspects of the quality of data. A continuing reevaluation of coverage would provide the flexibility to respond to methodological advances, new data, and changes in policies, programs, and enabling legislation. Furthermore, an ongoing program would permit expansion of the number and kinds of areas covered and would contribute to

accuracy as more data and refined methods are employed.

If a revision were made, however, reevaluation would likely result in increased sets of revised numbers, and this would lead to confusion among data users as to which data sets should be used for various purposes. Most stakeholders need data with which they can plan and allocate resources for program uses relatively rapidly. They prefer that only one official set of data that is internally consistent be produced—and that needs for timeliness as well as consistency, over time and internally, be given due weight in the decision.

Critical User-Oriented Assumptions

Assumption 3. Recognizing the present limits of technical feasibility, affected parties will accept and find useful initial adjustments for larger geographic areas only, despite program requirements for data for smaller areas.

This assumption is warranted in the eyes of some stakeholders and unwarranted for others. For purposes of program administration, all users expressed their need for internally consistent data. That is, if adjustments are made, adjusted data are necessary for key socioeconomic characteristics as well as for all geographic levels. Some program managers, recognizing comprehensive adjustment is not currently possible, would prefer to have the unadjusted census results released for their uses. Unadjusted data clearly have the advantage of being timelier and internally consistent. Some programs require use of trend data, and for these purposes, census data should be consistent over time. The indications of a smaller relative undercount in 1980 than in 1970 and 1960 already poses a problem for such programs.

For those concerned about program participation, the demand for undercount adjustment of decennial census data stems in large part from the conviction that differential population undercoverage, especially of Black and Spanish-origin populations, produces serious inequity in the administration of Federal and State programs, especially those which distribute funds according to statistical formulas. Because data for small areas are frequently required. many participants argue that limited area adjustments are not adequate because stakeholders' program interests would be in constant conflict and that litigation and efforts to obtain administrative relief would be costly and erode confidence in the Nation's data resources. In this context, all Federal agencies and most participants indicated that adjustment should be

applied to all geographic levels which have program applicability.

Most program administrators' comments noted that unadjusted census data have been adequate in the past partly because they provide internally consistent figures for use in program administration and formula grants but mainly because there is no objective evidence that adjustment would necessarily improve equity in their

Assumption 4. In order for adjustment to improve program effectiveness. program agencies will require adjustment for key demographic characteristics, such as age and income, as well as for total population counts; adjustment for a limited number of key characteristics will satisfy the most

important program needs.

Government agencies are dependent on accurate, internally consistent distributions of the population for certain demographic characteristics in order to carry out major program directives. Thus, this assumption imposes a major constraint on a decision to adjust in that the time it may take to implement an adjustment would not satisfy agency needs for timely and

internally consistent data.

Stakeholders have expressed their need for census data that are consistent for all characteristics and at all geographic levels. Adjustment for some characteristics but not others would not fill all the data requirements and would result in an inconsistent set of data. The result could be that users would apply some factor to the data for the remaining unadjusted characteristics in order to obtain "consistency," but such efforts could instead bring the data further from the truth. Thus, program agencies have indicated that if adjustment is warranted, program and research needs will dictate simultaneous adjustment of more than a limited number of key characteristics. On balance, this assumption is implausible.

Critical Statistical Assumptions

Assumption 5. The Census Bureau has the ability to develop a statistical and analytical methodology which will permit adjustment of critical variables (e.g., selected subnational geographical units and selected characteristics) in a timely fashion.

In light of the large census count, this assumption is not warranted. Furthermore, there is a concern within the professional statistical community that the work being developed on estimation of census coverage and on adjustment techniques is at the "frontier" and is not yet ready for implementation. On this general topic,

Professor Ansley J. Coale, a prominent researcher on undercounts since the 1950's, said "I personally doubt that it would have been possible to provide good estimates [of undercount] of individual geographic areas in 1970; it appears clearly impossible in 1980." Professor T. James Trussell has stated "Since it cannot be convincingly argued that adjustment will produce results nearer the true distribution of the population of the United States. adjusted census counts should not be used for purposes of apportionment, redistricting, or distribution of Federal funds." In the summer of 1980, the Census Bureau assembled a panel of distinguished researchers to discuss the undercount adjustment issue. The consensus view of this panel was that the measurement of undercount by either the demographic method or by the Post Enumeration Program was not statistically defensible to use as the basis for adjusting census counts. Nevertheless, in the past, when the Census Bureau has been confronted with a significant information need, it has been able, over time, to develop a statistically acceptable procedure for generating the required information. As discussed in the conclusion, time for further research and methods development is needed to evaluate fully how undercount research findings can be properly introduced into the intercensal estimates program.

Assumption 6. A simple synthetic adjustment procedure would not satisfy the Census Bureau's standards for accuracy.

This assumption is related to Assumption 5 and is warranted for essentially the same reasons that Assumption 5 is rejected. In this context, Professor Nathan Keyfitz has said, "If the [measured] national undercount is 1 percent or less, it is my opinion that no means of measuring or distributing that undercount at the subnational level exists that is statistically defensible, given the data likely to be available for this decennial census." The Bureau's analyses of 1970 Census undercount show that geographic variation is substantial. The simple synthetic method is not sensitive to this variation. and can, in fact, introduce serious distortions not present in the unadjusted data. If the 1980 undercount for specific age/race/sex groups were shown to be proportionate among subnational geographic units, the simple synthetic method could be acceptable, but an even distribution of undercount is highly unlikely.

Assumption 7. Given the estimated magnitude of the undocumented alien

population and the fact that our policy was to count all residents, it is important to include the development of an estimate of their "true" number as part of the 1980 Census evaluation and statistical adjustment program of the Census Bureau.

This assumption is warranted. The stated policy of the Census Bureau, based on historical interpretation of the Constitution, is to enumerate all residents of the U.S. regardless of legal status. Ultimately, a valid estimate of the undercount using demographic methods cannot be made without including an estimate of undocumented residents in the estimate of the "true" population. Since some undocumented residents were likely to have been counted in the 1980 Census, they must also be accounted for in the national population estimates for consistency in making an adjustment. This assumption was supported by most respondents; however, several stakeholders felt that an estimate of the illegal resident population should be developed in order to take them out of the population counted for apportionment purposes. The Bureau does not now have any adequate methodology to estimate the number of undocumented residents nationally or for geographic subdivisions and it may not be possible to derive an estimate of undocumented immigrants to be included in the estimated "true" population. This assumption precludes a decision to adjust the census counts in the current situation.

Section V .- Conclusions.

In summary, the Bureau now has considerable reliable information on the population count in the 1980 Census. These data indicate that the final census count will fall between 225.7 and 226 million persons, some 4.0 to 4.3 million more persons than suggested by the Bureau's precensus estimate. If, as now seems likely, the population count reaches 226 million, this figure will equal the revised estimate of the "true" population determined through demographic analysis-implying a measured undercount of zero. In fact, as explained in Section II, there is some undercount, but it cannot be measured adequately because we have no method, at present, to measure the number of illegal residents. As a result, our best estimate of the "true population does not include illegal residents. The apparent zero undercount results from the underenumeration of legal residents being offset by enumeration of illegal residents.

With improved coverage and the problem of illegal residents who cannot now be accommodated in the

demographic analysis technique the method of demographic analysis and its supporting data base are not sufficient to measure the undercount, and there is no assurance that any alternative methods would adequately measure the undercount. Indeed, non-Bureau experts in demography and statistics, and members of Census Bureau Technical Advisory Committees have generally concluded that, in light of the improved coverage indicated by the count, no reasonable and generally supportable rationale for adjustment of the census counts now exists.

In the absence of a current reliable method of measuring the undercount in 1980, it would be irresponsible to implement any undercount adjustment at the national, State or sub-State levels. Thus, unless otherwise directed by the courts or statute, the Bureau will not introduce any any undercount adjustment into the 1980 census counts. In compliance with existing statutory deadlines, the Bureau will report and certify to the President final tabulated census counts, with no undercount adjustment, as the official population counts for use in apportionment of representatives in the House of Representatives and for all other official purposes. The Bureau will publish the entire series of census statistical reports without adjustment for undercount.

Even with this decision dictated by the improved count, the concern about the undercount issue will remain. So, while census tabulation and publication programs are proceeding in accord with established guidelines, the census evaluation and undercount analyses programs will move ahead vigorously. Research on the undocumented residents problem will be given high priority and Bureau proposals to support research intiatives in the areas of emigration and immigration will be submitted for consideration for funding. As in the past, research findings will be published promptly and appropriate consultation with users and interested researchers will be initiated in many

Unlike the patterns followed in the 1970's and 1960's, however, the Bureau will consider the direct use of research findings on the level of the undercount in its postcensal estimates programs. That is, if findings indicate that specific undercount adjustments would improve the Bureau's postcensal estimates of the population and its characteristics, such adjustment would be introduced in postcensal estimates programs.

In some respects, our approach would be similar to the Australian government's method of dealing with undercoverage. In Australia, as in the United States, population counts are used in allocation of electoral seats and funds to States. After the 1976 Census of Population in Australia, the Post-Enumeration Survey (PES) revealed substantial variation in amount of undercount between States. The census results, themselves, were published without any adjustment. However, based upon the results of the PES, it was decided that the population figures should be adjusted for undercount, that these adjusted figures should be used for allocation, and that the adjusted figures would be the official population figures updated annually in the population estimates series to be used for all purposes.

In Australia, adjustments based on age and sex were made to the State and the Local Government authorities levels. Overall, the 1976 figures were adjusted up by 2.7 percent. The Australians felt confident about the adjustments to the State level but not about those below the State level. However, on an area basis, no adjustment greater than 4 percent was made and no adjustments were negative. To provide smooth trend data, the figures for 1961 were left unadjusted, but those for 1966 and 1971 were adjusted up by 0.5 and 1.35 percent, respectively. (Thus, the historical series was smoothed but some underenumeration was left for 1966 and 1971.)

An Illustration of How Intercensal Adjustment Could Work

The Census Bureau develops national population estimates between censuses using the component method. In this method, the count from the last census is increased by births and net immigration in the period since the last census and reduced by deaths since the last census as in the simplified hypothetical example for a three-year period shown below:

Census count (Year T)	200.0
Plus: births from T to T+3	+6.0
Plus: net immigration from T to T+3	+.7
Minus: deaths from T to T+3	-3.7
Equals: current estimate (T+3)	203.0

The procedure, of course, is much more complex in terms of its detail (including as it does separate age, sex and race categories) and is modified or supplemented in a variety of ways (including use of administrative data and other estimation methods) for compiling population-estimates below the national level (such as for 39,000 geopolitical areas for general revenue sharing).

In the past, the Bureau has not introduced any adjustment for undercount in its postcensal estimates. In the future, adjustment for undercount may be undertaken if statistical standards and user needs are met by such an adjustment. To illustrate how any such adjustment might operate, a hypothetical example is provided in the tabulation below:

		Group 1		-
A RESPONDENCE	4	2	3	Total
Census count (T)	150.0	25.0	25.0	200.0
adjustment (T)	1.0	.5	.5	2.0
T+3) Plus: net immigration (T to T+3)	4.4	.0	1	6.0
Minus: deaths	-3.0	3	4	-3.7
Equals: Population estimate (T+3)	152.9	26.1	26.0	205.0

'The groups, for example, could be age, sex, and race categories.

Based on past Bureau policy, the base for postcensal estimates was the unadjusted census count. As noted above, that restraint will no longer apply and adjustment for undercount may be included in the base if statistical standards and user needs are met by such an adjustment. It cannot be said at this time whether undercount adjustment will or will not be made since it is contingent on the evidence of measurable undercounts and reasonable confidence that adjustments would improve the accuracy and utility of statistics. More discussion of this will be contained in forthcoming reports dealing with the evaluation of the current postcensal population estimates program, methods for improving these estimates during the 1980's, and the 1980 census results and procedures.

Concluding Comment

The notion of altering census figures to correct for deficiencies is probably as old as the Republic; it is said that Thomas Jefferson, in corresponding with his European friends about the 1790 Census, made red pencil additions to census figures he judged to be incomplete. The basis for doing that now, however, has surely changed in two centuries; to alter the figures, we must "get it right." Ideally, each challenge to the accuracy of a census should be accompanied by a proposed remedy; perfection is but a goal, but improvement is an obligation shared by all. Introduction to Reasoning, a book by Stephen Toulmin, Richard Rieke, and Allan Jarik, helped us address the need for a collective and transactive evaluation of the grounds for undercount adjustment; two paragraphs from the book clearly point to the direction the

Bureau has tried to take to identify its objectives.

Reasoning, then, comes into play as a means of providing support for our ideas when they are open to challenge and criticism. This is not to say that procedures of reasoning always take place later in time than the formation of the ideas that call them forth. Since reasoning (or the providing of good reasons) plays so important and widespread a part in our culture, we often begin to test our ideas in a critical manner and think over the available reasons for or against them as soon as we first have the ideas. In a form of thinking that might be called intrapersonal communication, we imagine ourselves sharing an idea with other people and rehearse the questions they might ask and the challenges they might make to our supporting reasons.

In the course of this rehearsal, we may be able to refine and improve on the reasons in support of the idea, and so we finally arrive at a point where we can "go public, confident in our ability to justify it. Or alternatively, we may find ourselves recognizing so many arguments against the idea that we decide to forget it altogether or never to make it public. In either case, the "transactive" character of reasoning is preserved, at any rate to the extent that we criticize it with an eye to its "visibility" within a collective debate-in terms of either how certain specific people would respond to it or in terms of some more overall picture of the kinds of people who might attack the idea. (Will our argument have to be presented to a jury, to a group of professional scientists, to a political meeting, or to whom?) So once again, the standards for judging even this "intrapersonal" reasoning must respect the claims of the forum in which it will eventually have to make its way.

The census undercount adjustment issue has brought the Census Bureau into a swirl of conflicting currents of legal, political, and technical ideas in search of the most appropriate statistical instruments to apportion political strength and economic resources. The search does not end with this report, nor with the considerable success of the 1980 census, nor with the Bureau itself. Statisticians engage in what is possible; legislators and legal scholars must help decide what is right and what is best. Debates about the census will continue, as they should, and they will help the Bureau achieve future improvements. Meanwhile, tens of thousands of people will use the census results for good purpose, because they have no equal.

Appendix A

May 13, 1980.

Memorandum for: Vincent Barabba, Director, Bureau of the Census

Through: Courtenay M. Slater, C.M.S., Chief Economist for the Department of Commerce

Subject: 1980 Census: Statistical Adjustment for Undercoverage

Apparent undercoverage in previous decennial censuses has led to widespread interest in the possibility of statistical adjustments to the 1980 census data. Extraordinary efforts have been undertaken by the Census Bureau to achieve the most complete coverage possible in 1980. The extent of any undercount will not be known for some months. You are now engaged in an active and systematic process of examining the validity of various methods of measuring and analyzing a possible undercount in the 1980 Census, as well as the desirability of making adjustments once the existence and extent of an undercount is determined. This process should continue with the following guidelines.

1. Planning for and execution of a program to evaluate census data should continue to be given high priority by the Bureau and should proceed as expeditiously as is consistent with good professional standards.

2. There should be full and frequent consultation with the Chief Economist and the General Counsel throughout this process.

3. Federal agencies and interested parties among the general public should be kept informed regarding the Bureau's examination of this issue and should be given adequate opportunity to comment on the approach being taken by the Bureau.

The culmination of this process should be a decision by the Director of the Census Bureau on whether and how any statistical adjustment should be made to 1980 census data. This decision should take full cognizance of the importance of:

(1) the need for confidence that any adjustment will produce more accurate information regarding the distribution of the population and the relevant characteristics of that population;

(2) the defensibility of any adjustment methodology that may be used;

(3) a continued public perception of the accuracy, reliability, and objectivity of census data; and

(4) the very great public need for accurate and timely data about the U.S. population and its characteristics.

Even if there were some basis for an adjustment of the population count to be used for apportionment of the House of Representatives, I do not believe that any adjustment can be made prior to the statutory deadline for the delivery of this information to the President. I do expect, however, that by the end of this calendar year, or shortly thereafter, you will be prepared to announce a decision on adjusting the census data for other uses.

I should appreciate receiving from you a detailed description of the process to be followed in arriving at the above decision, and shall expect you to take direct personal charge of this process.

Philip M. Klutznick, Secretary of Commerce.

Appendix B.—References and Background Material

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Annual Meeting of the Southwestern Social
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6. U.S. Bureau of Census. Conference on Census Undercount, Proceedings of the 1980 Conference, Washington, DC: July 1980. See

The Census Bureau Experience and Plans," Jacob S. Siegel and Charles D. Jones

"Adjusting for Decennial Census Undercount: An Environmental Impact Statement," Peter K. Francese

"The Impact of Census Undercoverage on Federal Programs," Courtenay M. Slater "The Impact of the Undercount on State and Local Government Transfers," Herrington J. Bryce

"Should the Census Count Be Adjusted for Allocation Purposes: Equity Considerations," Ian P. Fellegi

7. U.S. Bureau of the Census. "Coverage of Population in the 1970 Census and Some Implications for Public Programs," *Current Population Reports*, Series P-23, No. 56, Washington, DC: U.S. Government Printing Office, 1975.

8. U.S. Bureau of the Census. 1970 Census of Population and Housing, Evaluation and Research Program, "Estimates of Coverage of Population by Sex, Race, and Age: Demographic Analysis" Issued February 1974, Reprinted June 1976.

9. U.S. Bureau of the Census. Proceedings of the Census Undercount Workshop, September 5–8, 1979, Washington, DC: October 2, 1979.

Framework for the Decisionmaking Process

10. Mason, Richard O. and Ian I. Mitroff, A Primer for SAST: Strategic Assumption Testing and Surfacing for Strategic Management.

11. Toulmin, Stephen, Richard Rieke and Allan Janik. An Introduction to Reasoning. New York: Macmillan Publishing Co., Inc., 1979. Appendix C.—Revised Demographic Analysis Estimate of Corrected Population as of April 1, 1980

This Appendix provides an explanation of revisions in the demographic analysis estimate of the corrected population of the United States for April 1, 1980.

In a press release issued in April 1973, the Census Bureau announced its "preferred" estimate of the undercount in the 1970 Census at 5.3 million, or 2.5 percent of the 1970 population. This estimate was based on the method of demographic analysis, using principally the data then available on births, deaths, immigration and emigration, and Medicare enrollments. Combining the estimated undercount in 1970 (5.3 million) and the unadjusted postcensal estimate of the population for April 1, 1980 (221.7 million), provides the estimate of the corrected population on April 1, 1980, 227.0 million.

An improved estimate of the corrected population on April 1, 1980 has now been developed. Additional, empirically-based research, particularly relating to emigration, indicates that the corrected population for April 1, 1980 should be lower than 227.0 million. The new evidence indicates far higher estimates of emigration for the 1970-80 and 1960-70 decades than were employed in deriving the previous estimates of the corrected population for 1970 and for 1980. The other components have also been examined but reestimation of these components has a smaller effect on the estimates of corrected population. The table below sets forth modifications in the components underlying the estimates of corrected population:

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APP. C-2

(Figures in thousands)

1	Put	olished 4/1/80 population estimate		
	(19	770 Census + 1970-80 components)		221,672
2.	Plu	s: "Preferred" estimate of 1970 undercount		+5,328
3.	Equ	wals: Corrected 4/1/80 population		227,000
4.	Adj	ustments based on newly incorporated data:		
	a.	Revision in estimate of emigration, 1960-70 (cohorts 5-64 on 4/1/70) Current figure: 181 (Foreign-born = 45 Native = 136) Revised figure for foreign-born = 981 Adjustment in foreign-born figure = 981 - 45 = 936	-936	813
	b.	Adjustment in corrected Medicare figure, 4/1/70	+123	
	c.	Revision in estimate of emigration, 1970-80 (all ages) Current figure: 360 (Foreign-born = 90 Native = 270) Revised figure for foreign-born - 730 Adjustment in foreign-born figure = 730 - 90 = 640	-640	172
	d.	Revision in estimate of migration from Puerto Rico, 1970-80	+244	
	e.	Correction for underregistration of births, 1970-80	+224	
5.	Rev	ised corrected population, 4/1/80		226,015

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Reestimates of emigration between 1960 and 1970, completed after the undercount estimates for 1970 were issued and, therefore. not integrated into the corrected estimates, indicate that emigration during this period was much greater than previously allowed. This recalculation of emigration, which was based on an analysis of the data on the foreign-born population in the 1970 and 1960 Censuses, indicates that emigration was about 936,000 greater than allowed in previous estimates." In addition, a revised estimate of corrected Medicare enrollments for 1970, based on Mediare enrollments for 1975, raises the population 65 and over in that year by 123,000. The net effect of these adjustments is to lower the estimated undercount in 1970 from 5.3 million to 4.5

A revised estimate of emigration for 1970-80 has also just been developed on the basis of a recently completed analysis of tabulations of the foreign-born population from the November 1979 and November 1969 Current Population Surveys. This analysis, which was supported by an analysis of the annual Alien Address registrations for 1970 to 1976 and an analyses of data on Social Security beneficiaries abroad, indicates an understatement in the previous estimate of emigration during the decade of 640,000. On the other hand, new data on migration between Puerto Rico and the United States between 1970 and 1980 raises the estimate of net movement from Puerto Rico to the United States employed previously by about 244,000. A reexamination of the birth statistics for 1970-80 indicated the need to make a small allowance for underregistration, amounting to 224,000

The net effect of the revised estimates of immigration and emigration for the 1970–80 period and of a correction for underregistration of births for 1970–80 is to further reduce the corrected population for April 1, 1980 by 172,000. Taking the adjustments for the entire 1960–80 period into account results in a reduction of the corrected population for April 1, 1980 of 1.0 million, or from 227.0 million to 228.0 million.

The estimate of net immigration employed in developing the estimate of corrected population for 1980 does not include an allowance for the net immigration of illegals to that date. Deaths of illegals would be included in the death component, however. We do not have a satisfactory basis for estimating the number of illegal residents or the volume of net illegal immigration. We have been unable, therefore, to take account of them in our estimates of corrected population.

Appendix D.—Persons Commenting on Undercount Adjustment Assumptions

Comments on the key assumptions presented in the Proceedings of the Second Census Undercount Workshop were received from the individuals and institutions listed below:

Members of Census Technical Advisory Committees

- —Samuel Preston, Chairman, Graduate Group in Demography, University of Pennsylvania
- —Reynolds Farley, Population Studies Center, University of Michigan
- —Charles Nam, Director, Center for the Study of Population, Florida State University
- —Catherine Shaw Bell, Department of Economics, Wellesley College
- William Kruskal, Department of Statistics, University of Chicago
- —Leon Pritzker, Anheuser-Busch Companies
 —National Social Science and Law
 Foundation

Representatives of Cities and Areas

- -Mayor, Montgomery, Alabama
- -Senator Walter D. Huddleston, Kentucky
- —Speaker Thomas O'Neill, Massachusetts, Boston Redevelopment Authority
- -Congressman Bob Eckhardt, Texas -Atlanta Regional Commission—Executive
- Director
 —Atlanta Regional Commission—City of
 East Point
- -Chattanooga Hamilton County Regional Planning Commission
- -Cambridge, Massachusetts
- -New York State
- -Detroit Planning Department
- -Detroit Executive Office
- —City of Greensboro, Community Development Planning Division
- —American Planning Association

Minority Interests

- —Mexican American Legal Defense and Educational Fund [MALDEF]
- -Puerto Rican Legal Defense and Education Fund
- -Native American Rights Fund
- -Louisiana Equal Opportunity Association
- -Japanese American Citizens League
- Manoranjan Dutta, Professor of Economics, Rutgers University Member of Census Advisory Committee for Asian and Pacific Islanders

Other Government

- Department of Labor, Bureau of Labor Statistics
- Department of Health and Human Services,
 National Center for Health Statistics
 Department of Housing and Urban
- Development

Appendix E.—The Basic Question and Critical Assumptions

As noted in the introduction and discussed fully in section D, we have argued that Federal statutes do not permit us to adjust census results for purposes of apportionment, and are convinced that it is not operationally feasible to do so in accordance with timing requirements as set forth in Federal law.

Issues concerning adjustment go well beyond these purposes, however, and the resolution of those issues will have consequences throughout the decade. Principal among them is the distribution of Federal and State revenues to subordinate units of government on the basis of decennial census data, and on population and income

estimates compiled regularly between censuses from other sources and linked in various ways to census results.

Through the workshop process many issues and assumptions were thoroughly discussed and debated (see Appendix B). This section examines only those considered most critical in making the decisions on whether, when, and how to adjust, without extensive discussion of specific end uses of census information. The format for discussing the critical assumptions provides key premises, supporting information, and possible rebuttals to the assumption. This approach is intended to encourage the reader to react to specific as well as general points; to defend, reject, or modify assumptions; or to present counterarguments. Although predispositions are not entirely avoidable, we have attempted to develop an approach that provides a reasonably neutral framework for

The assumptions are examined with reference to this basic question: Should the Census Bureau adjust the 1980 census results for purposes other than apportionment?

A "Yes" answer to this question requires that certain critical assumptions be accepted as plausible.

as plausible.

If, however, the assumptions are rejected because the rebuttals are considered stronger, then the answer to this question should be "No."

These assumptions are organized around three broad premises and supporting statements shown on the following page and discussed later in terms of specific assumptions and rebuttals beginning on the pages noted in the margin. Background materials are listed in Appendix C.

Critical Assumption

The Census Bureau will continually examine, evaluate, and share its understanding of undercoverage throughout the decade.

Basis of Assumption

The Bureau has the responsibility to continue to improve the state of the art by striving to achieve greater statistical accuracy in coverage estimates.

Supporting Information

- The Bureau has historically advanced the level of knowledge regarding undercoverage estimates.
- An ongoing program permits expansion of the number and kinds of areas covered and would contribute to accuracy as more data and refined methods are employed.
- 3. The continuing reevaluation of coverage provides the flexibility to respond to methodological advances, new data, and changes in policies, programs, and enabling legislation.

 This policy is in line with the traditional approach of revising and improving current data series.

5. Work is continuing on the development of undercoverage estimates for Hispanics, since this group may be affected by specific

 The present schedule of research and evaluation work calls for different pieces of information to become available at different

points in time.

^{*}Robert Warren and Jennifer Marks Peck, "Foreign-Born Emigration from the United States, 1960 to 1970," *Demography*, Vol. 17, No. 1 (February 1980), pp. 71–81.

Rebuttal

 Once a revision is made, reevaluation will result in increased demands for revised numbers, and this will lead to confusion among data users as to which data sets should be used for various purposes.

2. The Bureau often neglects to anticipate the broad consequences of an issue. Thus an announcement of new findings which the Bureau regards merely as technical improvements may have widespread impact that the Bureau fails to recognize in advance.

3. Lack of congressional or administration support could result in budgetary constraints limiting the Bureau's work in this area.

4. Changes in type of funding or a reduction in funding for the census count in 1990 may occur if, for example, Congress argues that based upon 1980 results, adjustments are cheaper and more accurate.

 The census count is recognized to be the best measure of the U.S. population. Doing anything to that count might not necessarily improve it.

Critical Assumption

The Census Bureau has the ability to develop a statistical and analytical methodology which will permit adjustment of critical variables (e.g., selected subnational geographic units and selected characteristics) in a timely fashion.

Basis of Assumption

In the past, when the Census Bureau has been confronted with a significant information need, it has been able, over time, to develop a statistically acceptable procedure for generating the required information.

Supporting Information

 The need for credible employment statistics during the Depression era was the impetus for the development of sample survey methodology leading to the Current Population Survey.

2. General Revenue Sharing generated the need for current estimates of the population for 39,000 general-purpose governments.

3. The Bureau has experimented with and tested the following methodologies which have shown some promise:

a. Matching studies

b. Demographic analysis

c. Regression analysis or refined synthetic estimation

The Bureau is supporting research related to adjustment methodologies.

 The Bureau has been able to rearrange priorities to expedite carrying out the Post Enumeration Program.

6. The Bureau will have available throughout the next 3 years the results of the Post Enumeration Program, which should provide the following:

 Estimates of undercount for total population at the State level.

 Estimates of undercount by region for age, sex, race, and Hispanic origin.

c. Information about undercount related to income, education, labor force, urban vs. rural, and metropolitan vs. nonmetropolitan areas that could be used in regression analysis or in refined synthetic estimation.

Rebuttal

1. Although the need to generate "adjusted" totals for geographic subdivisions has existed for the past couple of decades, the Bureau has not yet developed a procedure it is willing to implement today.

2. Results of the 1980 census test program, especially for Oakland and Richmond, indicate there are a number of difficulties in the match studies that still need to be

resolved.

3. There is a stated concern within the professional statistical community that the techniques being developed are at the "frontier" and are not yet ready for implementation.

Critical Assumption

A Census Bureau adjustment procedure would be recognized as equitable, legally acceptable, meeting professional standards, and providing users with more accurate data.

Basis of Assumption

In the past, the need to provide adjustment procedures to take care of nonresponse and undercoverage biases has resulted in the development of statistically acceptable and useful procedures.

Supporting Information

 Survey undercoverage in the Current Population Survey is adjusted for by using the ratio of survey estimates to independently derived population control totals. (The control totals are based on previous census data, which do not include adjustments for undercoverage in the census.)

2. To improve coverage in the 1978 Census of Agriculture, a direct enumeration of an area sample was used to supplement mailing lists. Since the sample data provided reliable estimates for State totals only, data for lower levels were not adjusted. Both adjusted State totals and unadjusted data below the State level were published. The size of the adjustment from the area sample was also published with the adjusted State data.

3. There currently is being developed an adjustment procedure (based on direct estimates of the undercount) for the national and State levels, using data which will be available from demographic analysis and the

Post Enumeration Program.

4. A study of the effect of population adjustment on General Revenue Sharing allocations in two States showed that most areas tended to move in the direction of their "proper" allotment (although this means a decrease in allotment for most areas), "proper" being determined by both population and income adjustments.

5. The National Academy of Sciences' panel on decennial census plans concluded that "inequities resulting from the geographic differentials in the decennial census undercount could be reduced by adjustment of the data for underenumeration."

The courts, in the past, have upheld Bureau procedures because they could be shown to be neither arbitrary nor capricious.

Rebuttal

 Currently there is no adequate methodology for measuring the quality (limitations) of adjusted figures at geographic levels below the State. 2. Studies of synthetic estimates have shown that any areas with undercount rates much above or below the national average would be adjusted in such a way that error rates for those areas would be high.

Estimates from demographic analysis are subject to unknown errors, especially in the

net immigration component.

4. Examination of the effects of an adjustment procedure on allocation of funds will result in the realization that there are more "losers" than "winners."

Critical Assumption

The Census Bureau is recognized as having the ability to objectively make and defend the appropriate decision on whether or not to adjust. If adjustments are to be made, the Census Bureau should formulate the procedures. This will promote a high standard of statistical rigor and encourage the appropriate use of census results.

Basis of Assumption

The Bureau has long been recognized as an agency of unquestioned integrity. It has a history of systematically studying the undercount problem and took the lead in bringing the issue into the open. The Bureau has the appropriate technical skills, resources, and specialized knowledge to develop and implement a procedure for adjusting census data.

Supporting Information

 Bureau leadership in this area will enhance the credibility of the results, in view of the Bureau's accumulation of information on the undercount not shared by other organizations.

Official statistics issued by the Bureau are accepted by the public as impartial and

free of vested interests.

 Legislators, program administrators, and courts of law give sanction to census data as official Government statistics.

4. Affected parties have strongly expressed their opinions that the Bureau should make the adjustment. No one has questioned the Bureau's competence in this area, nor its objectivity or integrity.

Through conferences and workshops, the Bureau encouraged discussion and debate on the adjustment issue so that all relevant information could be considered in arriving at

a sound decision.

6. A large-scale Post Enumeration Program is in place and funded; it will provide the necessary information for adjustments for States and other subnational areas.

Rebuttal

 Census statistics are in the public domain; users are free to accept, modify, or reject them (and sometimes do).

 The judiciary has not always prescribed the use of decennial census figures when superior data are available from a source other than the Census Bureau.

 Census data are used for a multitude of purposes; adjusted data are not appropriate for all of them. The responsibility for proper use of data, including appropriate adjustments, rests with the user.

4. There are other reputable institutions that can produce adjusted census data which would be acceptable for many purposes. Equity is essentially a political issue, and the decision whether or not to adjust census data should be made by Congress, not by the Census Bureau.

Critical Assumption

A simple synthetic adjustment procedure would not satisfy the Census Bureau's standards for accuracy.

Basis of Assumption

The Bureau implements new statistical methods only when certain general standards of data quality can be satisfied.

Supporting Information

 A most important criterion is that there should be some knowledge of the limitations of the data to reduce misuse of statistics that are not fully reliable.

2. The Bureau's analyses of 1970 census undercount show that geographic variation is substantial. The simple synthetic method is not senstive to this variation, and can, in fact, introduce serious defects not present in the unadjusted data.

 If the undercount for specific age/race/ sex groups were the same among subunits below the national level, the method would

be acceptable.

- 4. The simple synthetic method is dependent on readily available independent estimates of undercount for population subgroups, and therefore provides no direct means for adjusting for undercounts of Hispanics.
- 5. Bureau research, and comparable studies by Canada for its census, demonstrate that adjustments by this method would produce more errors than superior methods that can be refined as more information is available from evaluation projects.

Rebuttal

 The simple synthetic method is uncomplicated, easily understood, and timely. Its use would produce acceptable results on the average.

2. In view of the important and immediate uses of census results, adoption of the simple synthetic method will produce adjusted data quickly, and such data will correct for some of the most serious defects of unadjusted data.

The Bureau has an obligation to reduce statistical inequity even though the method used may not satisfy its highest standards of

data quality.

4. The National Urban League recommends that synthetic adjustments be used for States and local areas and that the national undercount rate for Blacks be used for subnational adjustment for the Hispanic undercount.

 Application of the simple synthetic method requires only that the null hypothesis be satisfied—that there is no statistically significant difference in undercoverage rates

among geographic areas.

- Alternatives to the synthetic method depend partly on demographic analysis, for which a number of questionable assumptions must be made to derive national undercount estimates.
- 7. According to the National Commission on Employment and Unemployment Statistics, adjustments for undercount in

labor force statistics by use of the synthetic method would be smaller in magnitude than the adjustments the Census Bureau traditionally makes to account for underreporting of income and unemployment in its Current Population Survey.

Critical Assumption

Recognizing the present limits of technical feasibility, affected parties will accept and find useful initial adjustments for larger geographic areas only, despite program requirements for data for smaller areas.

Basis of Assumption

The demand for statistical adjustment of decennial census data stems in large part from the conviction that differential population undercoverage, especially of minorities such as the Black and Spanishorigin populations, produces serious inequity in the administration of Federal and State programs, especially those which distribute funds according to statistical formulas. Adjustment for States and large metropolitan areas, which should be feasible by 1982, will be an important step toward improved program administration.

Supporting Information

 Population data, both counts and characteristics, are key elements in many formulas used to distribute billions of dollars in Federal funds annually.

 Partial adjustments, such as for selected geographic areas and key characteristics, would satisfy some program requirements.

3. About one-third of the population lives in the 30 largest SMSA's, for which adjustment is expected to be feasible within 2 years.

Rebuttal

- 1. Limited adjustments are not adequate:
- a. An adjustment would be of dubious utility unless it applied to all geographic levels for which stakeholders have a program interest.

 Many Federal agencies indicate that adjustment should be applied to all levels for which they have program responsibility.

2. Census results without adjustment are adequate; unadjusted census data have been valuable in the past and will continue to be useful, partly because they provide internally consistent figures for use in program administration and formula grants.

The Census Bureau should be in the counting business. Its staff is the most competent and highly regarded in that field.

 Going beyond an absolute count would be to go outside of the mission of the Census to try to solve the problems of society.

Critical Assumption

No currently available adjustment procedure will provide more accurate numbers than the actual counts for all units of government or down to the block level; therefore, adjustments to relevant geographic levels must be made over time as procedures are refined geographically.

Basis of Assumption

None of the currently known procedures have been tested for their capability to measure the undercount at all levels for all units of government.

Supporting Information

- There is a stated concern within the professional statistical community that the techniques being developed are still in the experimental stage and are not yet ready for implementation.
- Canadian experience with reverse record checks indicates that simple synthetic adjustment might not be appropriate for geographic subdivisions below the regional level.
- Comparisons of demographic estimates for States with those computed by synthetic methods also raise doubts about the accuracy of synthetic adjustment for small areas.
- 4. Demographic estimates are available only for the Nation and are still developmental for the States.
- 5. Standards against which to measure and evaluate adjustment procedures are not yet available for the smallest geographic areas.
- 6. To make estimates for every unit of government involves an assumption that undercount rates from the sample area apply to areas not in the sample.
- 7. Even though more accurate numbers cannot be provided for all units, it is important to increase the accuracy of as many as possible; improving the level of accuracy of some numbers is better than leaving them alone. Demographic estimates of national undercount by age, sex, and race will be available in the spring of 1981. Estimates of the undercount, based on evaluation studies, for the States, the 30 largest SMSA's, and 10 cities, and for the Hispanic undercount at the national level, will be available in late 1981, and improvements in these estimates will be possible by 1983.

Rebuttal

 Adjustments for smaller geographic areas could be made using various synthetic or regression techniques. Although the data might be of unknown accuracy, at least a complete set of "official" data would be available for program administration.

Multiple series of adjusted census data may be unacceptable to users of census data.

- The Census Bureau may not be capable of handling the workload required to produce multiple sets of printed and taped census figures.
- 4. There would be "numerator-denominator" difficulties in Federal program implementation where unadjusted and adjusted figures had to be combined to produce rates and ratios for program analysis or fund allocation formulas.
- 5. Because of difficulties in producing small area detail counts and characteristics, publication of official data could be delayed with corresponding adverse effects on timely application of census results for policy planning and program implementation.

Critical Assumption

In order for adjustment to improve program effectiveness, program agencies will require adjustment for key demographic characteristics such as age and income; adjustment for a limited number of key characteristics will satisfy the most important program needs.

Basis of Assumption

Agencies are dependent on accurate distributions of the population by certain demographic characteristics in order to carry out major program goals.

Supporting Information

 Adjustment for some areas and not others is acceptable for many programs.

2. Legislated programs are often targeted at specific segments of the population; for example, the Elementary and Secondary Education Act allocates funds on the basis of the number of children ages 5 through 17 in low-income families.

 The distribution of General Revenue Sharing funds could be adjusted if and when adjustment factors are available for all geographic areas and for income.

4. Among the characteristics most commonly incorporated into funding formulas are race, age, per capita income, family income, and employment and unemployment.

Rebuttal

- 1. No timely adjustments are feasible:
- a. Current methodology does not produce estimates of acceptable quality for the adjustment of characteristics.
- b. The time it may take to implement an adjustment of this type will not satisfy agency needs for timely data.
- 2. A few adjustements are not enough:
- a. Different adjustment techniques must be used for various characteristics. This will result in a combination of adjustment procedures ranging from very sophisticated to simple raking, and therefore, there may be inconsistencies in the data.
- b. Program agencies have indicated the need for adjustment of many characteristics and will press for adjustment of more than a limited number of key characteristics.

Critical Assumption

Given the estimated magnitude of the undocumented-alien population and the fact that the Bureau's policy is to count all residents, it is important to include the development of an estimate of their "true" number as part of the 1980 census evaluation and statistical adjustment program.

Basis for Assumption

The stated policy of the Census Bureau is to enumerate all U.S. residents, regardless of legal status.

Supporting Information

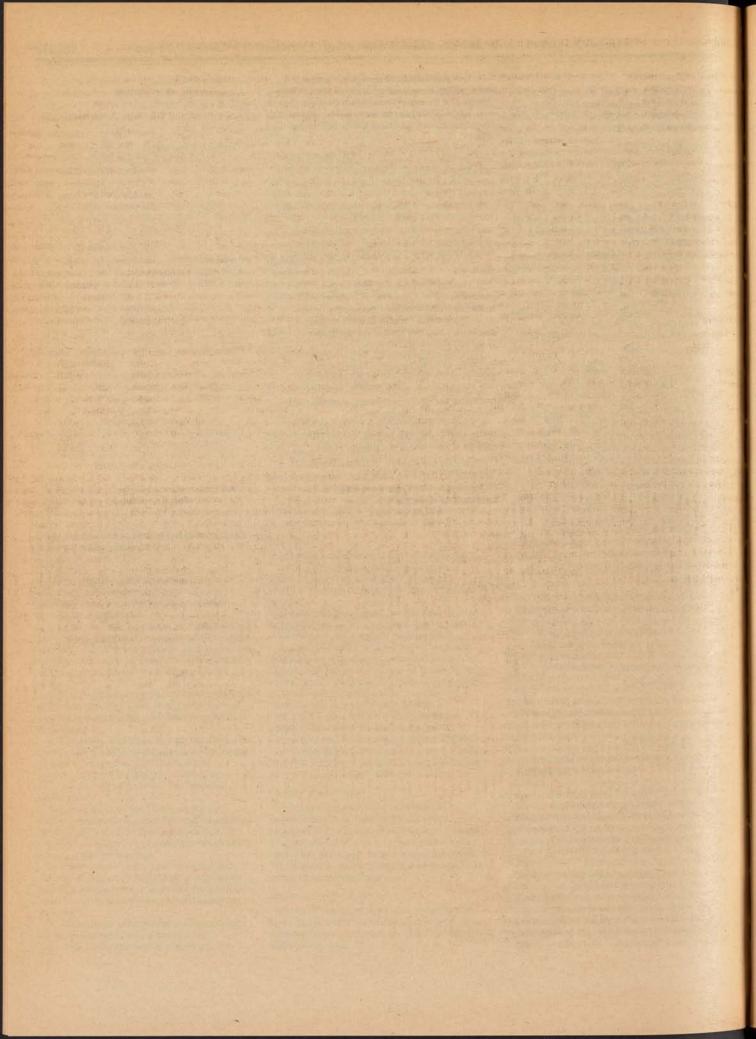
- Current interpretation of the Constitution indicates that the census should enumerate all residents.
- Determining the legal status of respondents would be a complex legal undertaking and is not feasible or appropriate in a statistical activity such as the census.
- 3. Ultimately, a valid estimate of the undercount by demographic methods cannot be made without an estimate of undocumented residents in the estimate of the "true" population. Since some undocumented residents were likely to have been counted in the 1960 population census, they must also be accounted for in the national population estimates for consistency in making an adjustment.

- 4. Users of census data require complete information about all residents of the United States and its subnational areas.
- Undocumented residents have an impact on economic and political life in the United States.
- 6. The speculative estimates of undocumented residents indicate this group may be a significant portion of the population. The number could be as high as several million.
- 7. Because of their reported concentration in certain areas of the country, the underenumeration of undocumented aliens could reduce political representation and funds allocated to certain States and cities.

Rebuttal

- The Bureau does not now have a methodology to estimate the number of undocumented residents nationally or for geographic subdivisions, and the available evidence indicates an uneven geographic distribution of such persons.
- It may not be possible to derive an estimate of undocumented immigrants to include in the estimated "frue" population.
- Including undocumented residents in the census or the undercount estimates may not be acceptable to Congress.
- 4. Even if no method is available to adjust for an undercount of undocumented aliens, that does not relieve the Bureau of the responsibility to adjust for other groups for which estimates are available.

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Wednesday, December 17, 1980



Environmental Protection Agency

Standards of Performance for New Stationary Sources; Emissions Limitation of Volatile Organic Compounds From Gasoline Tank Truck Loading Racks at Bulk Gasoline Terminals



ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL-1634-4]

Standards of Performance for New Stationary Sources; Bulk Gasoline Terminals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule and Notice of Public Hearing.

summary: The proposed standards would limit emissions of volatile organic compounds (VOC) from new, modified, and reconstructed gasoline tank truck loading racks at bulk gasoline terminals.

The proposed standards implement Secion 111 of the Clean Air Act and are based on the Administrator's determination that bulk gasoline terminals contribute significantly to air pollution that may reasonably be anticipated to endanger public health or welfare. The intent is to require new, modified, and reconstructed bulk gasoline terminals to use the best technological system of continuous emission reduction, considering costs, non-air quality health, and environmental and energy impacts which has been adequately demonstrated.

A public hearing will be held to provide interested persons an opportunity for oral presentation of data, views, or arguments concerning the proposed standards.

DATES: Comments. Comments must be received on or before February 17, 1981.

Public Hearing. A public hearing will be held on January 21, 1981 (about 30 days after proposal) beginning at 9 a.m.

Request to Speak at Hearing. Persons wishing to present oral testimony must contact EPA by January 14, 1981 (1 week before hearing).

ADDRESSES: Comments. Comments should be submitted (in duplicate if possible) to: Central Docket Section (A-130), Attention: Docket Number A-79-52, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460.

Public Hearing. The public hearing will be held at E.R.C. Auditorium, R.T.P., North Carolina 27711. Persons wishing to present oral testimony should notify Mrs. Naomi Dur Kee, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5271.

Background Information Document.
The Background Information Document (BID) for the proposed standards may be obtained from the U.S. EPA Library (MD-35), Research Triangle Park, North Carolina 27711, telephone (919) 541–2777. Please refer to "Bulk Gasoline Terminals—Background Information for Proposed Standards," EPA-450/3-80–038a.

Docket. Docket No. A-79-52, containing supporting information used in developing the proposed standards, is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, SW, Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Ms. Susan R. Wyatt, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541–5477.

SUPPLEMENTARY INFORMATION: A
Background Information Document has
been prepared that contains information
on tank truck loading operations at bulk
gasoline terminals; the available control
technologies for VOC emissions; and
analysis of the environmental, energy,
economic, and inflationary impacts of
regulatory alternatives. The information
contained in this document is
summarized in this preamble. All
references used for the information
contained in the preamble can be found
in this document.

Proposed Standards

The proposed standards would limit volatile organic compound (VOC) emissions from new, modified, and reconstructed gasoline tank truck loading racks at bulk gasoline terminals. Specifically, the proposed standards would require the installation of vapor collection equipment at the terminal for the purpose of collecting the VOC emissions displaced during loading of liquid product into gasoline trank trucks, and would limit these emissions from the collection system to 35 milligrams of VOCs per liter of gasoline loaded.

Additionally, a terminal owner or operator would be required to restrict gasoline tank truck loadings to those tank trucks which had passed an annual vapor-tight test. Written documentation in the form of tank truck test results would be kept on file at the bulk gasoline terminal in a permanent form available for inspection.

Five new Reference Methods are proposed with these standards to

measure vapor processor outlet VOC mass emissions, and to test gasoline delivery tanks for vapor tightness. Methods 2A and 2B measure gas flow rates in pipes and small ducts, and in vapor incinerator exhausts, respectively. Methods 25A and 25B measure VOC concentration by two detection methods. Method 27 is a pressure/ vacuum (vapor-tight) test for gasoline delivery tanks. Terminal vapor handling equipment would be monitored for leaks prior to each performance test using Method 21, which has been proposed with Standards of Performance for VOC Fugitive Emission Sources in the Synthetic Organic Chemicals Manufacturing Industry.

Summary of Environmental, Energy, and Economic Impacts

The proposed standards would reduce the projected nationwide 1985 VOC emissions from affected facilities by about 6,600 megagrams per year, or 70 percent.

Emissions of carbon monoxide and oxides of nitrogen from thermal oxidation systems would total up to 10 Mg/yr and 4 Mg/yr, respectively, in the fifth year of the standards. This represents a relatively small air pollution impact.

Water is not used as a direct control medium by any of the available control techniques. Existing separation and handling systems could accommodate the small amount of wastewater discharged by some types of control processors. The proposed standards would have a negligible impact on water modifie.

Because all of the VOC emissions are incinerated or returned to storage as liquid product, there would be no direct solid waste impacts under the proposed standards. Some solid waste would be generated indirectly due to disposal of activated carbon from carbon adsorption units after the useful life of the carbon had expired. Even the worst case situation would produce minimal impacts on solid waste.

The proposed standards would have negligible impacts on noise, space requirements, and availability of resources.

Because all of the available vapor processors, except the thermal oxidizer, recover energy in the form of gasoline, the proposed standards would result in a net energy savings equivalent to approximately 9 million liters (2.4 million gallons) of gasoline per year in the fifth year of the standards.

The proposed standards would result in a total nationwide capital cost for VOC control during the first five years after the effective date of the standards of about \$25.3 million. The proposed standards would also result in a total nationwide annualized cost in the fifth year of about \$4.3 million.

Under the worst case situation, the maximum increase in the retail price of gasoline resulting from the proposed standards would be less than 0.6 percent due to bulk terminals and less than 0.7 percent due to the independent tank truck industry.

Rationale

Selection of Source

The EPA Priority List (40 CFR 60.16, 44 FR 49222, August 21, 1979) lists, in order of priority for standards development, various source categories in terms of quantities of nationwide pollutant emissions, the mobility and competitive nature of each source category, and the extent to which each pollutant endangers health and welfare. The Priority List reflects the Administrator's determination that emissions from the listed source categories contribute significantly to air pollution that may reasonably be anticipated to endanger public health or welfare, and is intended to identify major source categories for which standards of performance are to be promulgated. Petroleum Transportation and Marketing is included as Number 23 on the Priority

Bulk gasoline terminals are an important part of the gasoline delivery chain and are usually the first link between the refinery and the ultimate end-user. There are presently an estimated 1,511 bulk terminals handling gasoline in the U.S. terminals typically receive gasoline from the refinery by pipeline, ship, or barge, store the gasoline in large aboveground tanks, and redistribute the gasoline to smaller facilities in the marketing chain (i.e., bulk plants and service stations). Gasoline is loaded into delivery tank trucks at the terminal loading racks and is transported to the next link in the delivery chain. A typical bulk gasoline terminal has a gasoline throughput of 950,000 liters (250,000 gallons) per day. three loading rack positions for gasoline, and four aboveground tanks for gasoline with a combined storage capacity of 24,000 m³ (150,000 bbl). Bulk gasoline terminals are normally found in or around urban areas since the demand for gasoline is higher in these locations.

It is estimated that ten new terminals will be built in the next ten years. This relatively small growth rate is a reflection of the small increase in gasoline consumption projected for the next ten years. Current industry trends are toward consolidation of existing

terminals rather than the construction of new terminals. Estimates, based upon an industry survey, indicate that there may be as many as 100 modified and reconstructed sources in the next ten years.

Gasoline loading racks at terminals currently contribute approximately 300,000 megagrams per year (Mg/year) of VOC emissions, which is approximately 2 percent of the total nationwide VOC emissions. After full implementation of proposed State regulations on bulk gasoline terminals, expected by 1982, total VOC emissions from loading racks are expected to be reduced to about 140,000 Mg/year.

Selection of Pollutants and Affected Facilities

VOC is the only pollutant which is emitted during the loading of liquid product into tank trucks at bulk gasoline terminals. Consequently, the proposed standards would regulate only VOC emissions from the loading operations at terminals.

Volatile organic compounds are any of the organic compounds that participate in atmospheric photochemcial reactions. Ozone, produced in these reactions, results in a variety of adverse impacts on health and welfare, including impaired respiratory function, eye irritation, necrosis of plant tissue, and deterioration of certain materials, such as rubber. Further information on these effects can be found in the U.S. Environmental Protection Agency (EPA) document entitled "Air Quality Criteria for Ozone and Other Photochemical Oxidants" (EPA-600/8-78-004)

The two major sources of VOC emissions at terminals are the storage tanks and the tank truck loading racks. Storage tanks are currently regulated under Federal standards (40 CFR 60, Subpart Ka—Standards of Performance for Storage Vessels for Petroleum Liquids). Those standards cover storage tank emissions caused by atmospheric changes (breathing losses) and emissions due to filling and emptying the storage tank (working losses). Therefore, storage tanks would not be regulated by these proposed standards.

Loading racks consist of the piping, pumps, meters, and loading arms that are necessary to transfer liquid petroleum products from storage tanks to delivery tank trucks. Emissions from the loading racks are generated during the loading of liquid product into delivery tank trucks when the liquid product being loaded displaces VOC vapors contained in the delivery tanks. These vapors consist of evaporated gasoline components which fill the air

space above the liquid product. VOC emissions from the loading operation can vary due to the loading method (splash loading causes more emissions than submerged loading) and due to the VOC concentration of the vapors in the delivery tank truck prior to loading. This VOC concentration can vary significantly depending upon the type of product carried, temperature, pressure, vapor tightness of the delivery tank, and whether vapors were transferred back to the delivery tank when the last load of liquid product was unloaded (vapor balanced).

Loading rack facilities in the bulk terminal industry can vary widely in the types and quantities of products handled. In addition to gasoline, large quantities of fuel oil, diesel, and jet fuel may be handled by a gasoline terminal. The amount of each product handled is due to the different demands for each product in the vicinity of the terminal. VOC emissions from fuel oil, diesel, and jet fuel are very small compared to those from gasoline. Consequently, only VOC emissions from gasoline would be covered by the proposed standards.

At many terminals, "switch loading" of delivery tank trucks is practiced. Switch loading involves the transport, in a single tank compartment on successive deliveries, of various products in addition to gasoline. Gasoline vapors can be displaced either by incoming gasoline or by any other liquid product when a previous load of gasoline left vapors in the delivery tank. As an example, fuel oil loaded into a tank compartment which had carried gasoline on the previous load would displace gasoline vapors, and thus produce VOC emissions. For the purposes of the proposed standards, the delivery vehicle in both cases is referred to as a "gasoline tank truck."

Because gasoline vapors can be emitted from a tank truck loading a product other than gasoline, switch loading was taken into account in designating the affected facility to be regulated under the proposed standards. Consequently, the proposed standards would affect both the loading of gasoline into delivery tanks and the loading of any liquid product into delivery tanks which contain gasoline vapors. Any delivery tank carrying gasoline on the immediately previous load is assumed to contain gasoline vapors. The costs of controlling switch loading facilities (loading racks) are not significantly greater than the costs to control only gasoline loading racks. Since the same vapor processor is used to control all of the loading racks, the primary additional cost would be for the vapor piping

connecting each loading rack to the main vapor line to the processor. In some cases, a larger, more expensive processor might be specified in order to handle increased vapor flow, but the additional cost would amount to a small percentage of the total cost. Many bulk terminals are already controlling all loading racks which have the potential to displace gasoline vapors.

Since only small quantities of gasoline (less than 2 percent) are delivered by rail cars, vapor controls on these loadings were not investigated, and the proposed standards would apply only to the loading of liquid product into

gasoline tank trucks.

For the purposes of the proposed standards, gasoline is defined as any petroleum distillate or petroleum distillate/alcohol blend with a Reid vapor pressure of 27.6 kilopascals (4 pounds per square inch) or greater which is used as a fuel for internal combustion engines. The addition of the distinction for petroleum distillate/alcohol blend in the definition is to include gasohol fuels which have experienced increased consumption in recent months.

Because vapor leakage from the tank trucks being loaded can represent a significant proportion of the total bulk terminal VOC emissions occurring during liquid product loading, the proposed standard has been written to control such vapor leakage as well as emissions from the loading racks. EPS believes that Section 111 would authorize this regulation to take any one of the three alternative forms described below; the Agency solicits comments on all issues associated with each

approach.

Under the first approach, the standards would apply only to the bulk terminal. The terminal owner or operator would be required to use vapor collection equipment on loading racks servicing gasoline tank trucks, and to restrict loadings to vapor-tight tank trucks. The affected facility under this approach would include only the loading racks servicing gasoline tank trucks. Operators of gasoline tank trucks wishing to load at the teminal would need compatible loading and vapor recovery equipment, and vapor-tight delivery tanks. This approach would consolidate responsibility for controlling emissions without resulting in an excessive burden for the terminal owner or operator.

Under the second approach, standards would apply directly to both the terminal and the tank trucks. The standards would require the terminal owner or operator to install vapor collection equipment and the tank truck

operator to have compatible equipment and vapor-tight tank trucks. Under this appproach, the affected facility would consist of the combination of the loading rack and the truck-mounted tank, with a single standard covering the hybrid loading rack/tank facility. The second approach could result in several owners or operators (of the terminal and of the tank trucks) at the same terminal being regulated under a single standard. This could create enforcement difficulties and problems in determining liability.

The third approach would involve designating two affected facilities, one consisting of the loading racks servicing gasoline tank trucks and the other consisting of the truck-mounted tanks, and applying a separate standard to each facility. It would not be practical to directly regulate gasoline tank trucks under a separate standard because the VOC emissions being regulated occur only during product loading at the terminal, and a situation of two standards regulating the same source of emissions would result. Furthermore, in the case of new tank trucks loading at an existing uncontrolled bulk terminal, only the tank trucks would be regulated, and VOC emissions would be displaced to the atmosphere uncontrolled since the terminal would have no vapor collection or control equipment to process the vapors. Thus, separate standards would not be effective in these circumstances.

After considering the issues involved with each of these approaches to designating the affected facility, the Administrator selected the first approach as the most practical designation. This places direct responsibility under the proposed standards on the owner or operator of the bulk terminal only, eliminates the potential for enforcement problems associated with an impermanent affected facility under the second approach, and eliminates the situation of regulating the same operation with two standards under the third approach.

The selected approach, which considers only the bulk terminal loading racks as the affected facility designation, presents several possibilities. Two potential affected facility designations considered under this approach were (1) each individual loading rack, and (2) the combination of all the loading racks at the terminal which service gasoline tank trucks.

In choosing the affected facility, EPA must decide which piece or group of equipment is the appropriate unit (the "source") for separate emission standards in the particular industrial context involved. The Agency must do this by examining the situation in light of the terms and purpose of Section 111.

One major consideration in this examination is that the use of a narrower designation results in bringing replacement equipment under the NSPS sooner. If, for example, an entire plant is designated as the affected facility, no part of the plant would be covered by the standard unless the plant as a whole is "modified" or "reconstructed." If, on the other hand, each piece of equipment is designated as the affected facility, then as each piece is replaced, the replacement piece will be a new source subject to the standard. Since the purpose of Section 111 is to minimize emissions by application of the best demonstrated control technology at all new and modified sources (considering cost, other health and evnironmental effects, and energy requirements), there is a presumption that a narrower designation of the affected facility is proper. This ensures that new emission sources within plants will be brought under the coverage of the standards as they are installed. This presumption can be overcome, however, if the Agency concludes either that a) a broader designation of the affected facility would result in greater emissions reduction than would a narrow designation; or b) the other relevant statutory factors (technical feasibility. cost, energy, and other environmental impacts) point to a broader designation. The application of these factors is discussed below.

While selection of a narrower designation of affected facility generally results in greater emissions reduction by earlier coverage of replacement equipment, it appears that a broader designation would result in greater emissions reduction in the bulk gasoline terminal industry. Replacement of existing racks in not expected to occur to any great extent, because properly maintained racks do not generally require replacement. In other words, the isolated replacement of a single rack due to deterioration of that rack is expected to occur rarely. Rather, EPA projects that terminals will concentrate on additions of new racks to sets of existing racks rather than replacement of existing racks. EPA further projects that if replacement does occur, it will involve a major change in the rack system (such as conversion from top to bottom loading) and will involve most or all of the racks at the terminal rather than just one rack. The reasons that a total racks affected facility designation is expected to result in greater emission reduction than a single rack affected facility designation, in the situations described above, are explained in the following paragraphs.

A modification, under 40 CFR 60.14, is any physical or operational change to an existing facility which produces a net increase in the emission rate from that facility. If a new rack were added to a terminal it would be an affected facility under a single rack designation, and only that rack would be covered. Under a total racks designation, the addition of a single new rack could result in a modification, in which case all of the racks would become an affected facility, resulting in greater emission reduction under this designation, Even if the addition of the new rack did not result in a modification because there was no increase in emissions (due to partial control, for example), the total racks designation would still result in less emissions. This is because the single rack designation would still result in a small incremental emissions increase even if the rack were controlled.

In addition to modification, an existing facility could become reconstructed, under 40 CFR 60.15, if the fixed capital cost of replacing components at that facility exceeded 50 percent of the cost of a comparable entirely new facility. Under a single rack designation, this cost figure could be attained sooner for a given rack than it would under a total racks designation, since total replacement cost for parts for a single rack would be less than for all the racks, and 50 percent of the cost for a single new rack would be less than 50 percent of the total cost for all new racks. However, under a total racks designation, all the racks at a terminal could become affected facilities if the conversion cost exceeded 50 percent of the cost needed to build all new racks; although more racks would have to be converted to attain this cost, more racks could eventually be covered sooner than they would be under a single rack designation. Multiplerack conversion projects of this type are the most likely type of replacement at bulk terminals.

Whether the total racks designation would actually result in more emission reduction than the single rack designation is somewhat uncertain. The designation which would result in the most emission reduction depends on decisions made by a terminal owner or operator when replacing racks or adding new racks to the terminal. It is difficult to accurately forecast what these decisions will be. For example, under the single rack designation, even if only one rack had to be controlled, the terminal owner or operator may elect to control all racks instead of one rack, since it is common industry practice to control all racks with one control device. If this occurred, the single rack

designation could result in control of all racks just as would the total racks designation.

In summary, considering that the addition of new racks and the multiple replacement of racks are expected to be more likely occurrences in this industry than single rack replacement, and the fact that more racks would come under the standards under the total racks designation than under the single rack designation in these cases, it is projected that the total racks designation would result in the greatest emission reduction. However, as stated previously, this depends on decisions made by a terminal owner or operator at the time of construction.

After projecting that the total racks designation would result in the greatest emission reduction, the reasonableness of the cost of this designation was then evaluated. For terminals which do not already have control devices (most new and existing terminals in attainment areas), examination of the cost data has indicated that the affected facility designation of each individual rack would generally result in lower capital costs than the designation of all the loading racks. However, the net annualized cost would be lower for the total racks approach, assuming that the terminal elected to use a control system other than thermal oxidation, because of the greater liquid recovery cost credits associated with controlling all of the loading racks. For example, at an affected terminal the capital cost to install controls on one loading rack (assuming 380,000 liters/day throughput) would be about \$295,000. This cost includes the vapor processing system, installation, and piping. Under a total racks designation, the capital cost to install controls on all loading racks (assuming 1,900,000 liters/day throughput) would be about \$345,000. Annualized costs, which include capital charges, labor, maintenance, utilities, and liquid recovery credits, indicate as much as an \$80,000 per year difference in favor of the total racks controls (a net annualized cost of about \$40,000 for a single rack designation, and a net annualized cost savings of \$40,000 for a total racks designation). The major reason for this favorable annualized cost, as stated earlier, is the greater recovery cost credits associated with the controls on all of the racks. Based on this analysis, it was concluded that for terminals in attainment areas the costs which would result from a total racks designation would be reasonable, and would in fact be less expensive on an annualized basis provided that the control system used recovered gasoline

from the collected vapors. Systems which recover gasoline are expected to comprise the majority of the systems which would be installed under the NSPS.

Another consideration regarding costs for terminals in attainment areas is that most tank trucks serving bulk terminals in attainment areas would not be equipped for vapor recovery under State regulations. In order to load at a controlled loading rack, a tank truck would have to be equipped with a vapor collection system to route gasoline vapors to the terminal's control system. Besides having to retrofit vapor recovery equipment, some tank trucks would also have to convert to bottom loading from top loading, if the terminal switched to bottom loading in the course of installing vapor control equipment. In addition, a vapor tightness requirement could be in effect for tank trucks loading at such a rack. However, under a single rack designation, a terminal could end up with a mix of controlled racks and uncontrolled racks. In this case, tank trucks would probably load at the uncontrolled racks so that the cost of retrofitting could be avoided. Thus, a terminal owner or operator considering a conversion of one or more racks. which would result in those racks becoming affected facilities, likely would either be deterred from making any changes or would convert all of the racks and all of his tank trucks in order to prevent this situation from occurring. The result of this conversion would be the same as under a total racks designation.

For terminals which already have control devices (the majority being existing terminals in non-attainment areas), capital and annualized costs could both be lower for a total racks designation of the affected facility. For example, the case of an existing terminal which is modified by adding a loading rack and increasing emissions was analyzed. If the limits of the standard were more stringent than those under which the existing control device was operating, then depending on whether the device could meet the more stringent limit, the terminal owner or operator might have to make an expenditure in order to comply with the new limits. Under a one rack designation for the affected facility, only the new rack would be required to meet the limits of the standard. If a separate control system was installed for the new rack, capital costs could be about \$295,000 and annualized costs could be about \$70,000 per year. Under the total racks designation of the affected facility. both the existing racks and the new rack

might be required to meet the limits of the standard under the modification provisions. One option would be to install an add-on system to the existing control device if that control device could not meet the limits of the standard. The capital cost for this approach could be about \$100,000 and the net annualized cost could be about \$20,000 per year more than the annualized cost of operating the original system. Another option would be to replace the existing control device with a new device which could meet the limits of the standard. The capital cost for this could be about \$200,000 and the incremental net annualized cost could amount to \$50,000 per year. A third option for terminal operators whose control device could be altered to achieve a lower emission limit would be to upgrade the existing device through design or operational changes. While the cost for this approach would vary in individual cases, it would be considerably less than the cost for either of the first two options. Finally, any presently installed control device which was capable of complying with the limits of a more stringent standard would not have to be altered. The operator's decision to select any of these options would depend on such factors as the terminal's financial position and the type, age, condition, and control efficiency of the existing control device. Based on this analysis, it was concluded that for terminals in non-attainment areas, regardless of which option the terminal operator selected, the costs incurred under a total racks designation would be reasonable, and in fact any of the options discussed would be less expensive than the costs under a one rack designation.

In addition to the emission reduction and cost considerations discussed above, the single rack designation has technical complications. Performance testing of this affected facility would be difficult at terminals which already have some means of vapor control installed (estimated to include about 70 percent of the existing terminals). If one rack were newly installed or altered in such a way as to become an affected facility under modification or reconstruction provisions (40 CFR 60.14 and 60.15) and were required to meet a more stringent emission limit, the new rack could require controls different from the remainder of the loading equipment. Since the emissions from all of the racks are typically routed to the single vapor processor, it would be impossible to distinguish the vapor processor outlet emissions originating from only the new loading rack. If an existing control

device were unable to meet a more stringent emission limit, a bulk terminal operator could either install a separate vapor collection system and processor for the new rack, or replace or upgrade the existing control device. The latter approach is identical to what a total racks designation of the affected facility would accomplish.

The foregoing discussion indicates that, based on the assumptions made, the total racks designation would result in the greatest emission reduction. Furthermore, the total racks designation would be the most consistent with the industry practice of using one control device for all racks at a terminal. The total racks designation, by causing all collected vapors to be routed to a single vapor processor, would result in the less expensive approach to achieving the requirements of the proposed standards, and the costs would be reasonable. Performance testing of this type of affected facility would be straightforward because all loading racks would be subject to the same standards. Consequently, after considering the emission reduction, technical, and cost impacts associated with each possible designation, the Administrator selected the combination of all the loading racks as the affected

facility. Comments are specifically invited concerning the selection of the affected facility. In particular, comments are requested on the question of whether selection of the total racks designation would in fact result in greater emissions reduction than would selection of the one rack designation, and the economic impact of this selection on existing terminals. Comments are requested on the factors considered and also on any additional factors which should be considered. Any comments submitted to the Administrator on this issue should contain specific information and data pertinent to an evaluation of the magnitude and severity of its impact and suggested alternative courses of action that would avoid this impact.

Selection of Basis of Proposed Standards

Control Technology. Control systems currently being used at terminals consist of two main elements, the vapor collection system and the vapor processing system (or vapor processor). All of the vapor collection systems used at terminals are somewhat similar. The air-vapor mixture displaced during the loading of the delivery tank is contained and routed through vapor piping on the tank truck to the terminal vapor collection piping. The terminal vapor collection system, in turn, routes the air-

vapor mixture through piping to the vapor processing equipment. Knock-out tanks are commonly utilized between the loading racks and the vapor processor to remove liquid from the transfer lines before it reaches the vapor processor. Liquid can enter the line due to overfilling the delivery tank, entrainment of liquid droplets from the loading operation, or condensation of vapor into liquid. Vapor holding tanks are also used in some vapor collection systems. Vapor holding tanks are used to store a designated volume of airvapor mixture and then release it to the processor to process the vapors on a batch basis. Fluctuations in VOC concentration and air-vapor mixture flow rate are minimized by using vapor holders.

Several vapor processing techniques were evaluated by EPA. These control techniques included carbon absorption (CA), thermal oxidation, (TO). refrigeration (REF), compressionrefrigeration-adsorption (CRA), compression-refrigeration-condensation (CRC), and lean oil absorption (LOA). These six techniques represent all of the control methodologies commonly employed at bulk terminals. At least one system utilizing each of these control technologies was tested in an EPAsponsored test program conducted between 1973 and 1978. The test procedure used was the procedure outlined in the draft bulk gasoline terminal Control Techniques Guideline (CTG) document, "Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals," dated May 15, 1977. This test procedure is similar to the procedures in the proposed standards and in Reference Methods 2A, 2B, 25A, and 25B. Although the emission measurement methods were the same as the proposed Reference Methods 2A, 2B, 25A, and 25B, the test procedure varied slightly, in that the test period was longer than the period required in the proposed standards. This difference is discussed in Appendix D of the Background Information Document, and would not affect the achievability of the standard.

The test data considered in evaluating the six control technologies mentioned earlier represent terminals ranging in gasoline throughput from 190,000 liters per day (50,000 gal/day) to 5,700,000 liters per day (1,500,000 gal/day). Twenty-two tests were performed, totaling 61 days of testing. In addition, several tests performed by others using the same procedures were considered in evaluating the control technologies. Thus, these data are considered representative of the conditions at a

wide range of terminal sizes and are an adequate basis for an evaluation of the best systems of continuous emission reduction.

Tank trucks have been demonstrated to be major sources of vapor leakage during product loading operations at bulk terminals. Vapor leakage can vary significantly from one tank to another. The larger the tank truck leakage, the smaller the volume of air-vapor mixture that enters the vapor collection system. To evaluate the results of the vapor control system tests, the results from all of the tests were calculated on a comparable no-leak basis. Mass emissions, in the form of milligrams of VOC per liter of gasoline loaded, were used to compare the test results on a common basis. These units were used to be consistent with the units utilized in the test reports.

Carbon adsorption systems use beds of activated carbon to adsorb gasoline vapors from the air-vapor mixture. CA systems at terminals typically consist of two carbon beds. One bed actively adsorbs the vapors while the other bed is being regenerated. After a set period of time, the active bed is regenerated, with the air-vapor flow re-routed to the

opposite bed.

Three EPA tests, consisting of nine days of testing, were performed on two carbon adsorption systems which incorporated vacuum regeneration assisted by warm air purge. The daily average emissions from these systems ranged from 1.8 milligrams of VOC per liter of gasoline loaded (mg/liter) to 11.0 mg/liter. Two days of testing were not included in evaluating the system because of unit maladjustment and testing irregularities. On one test day, the bed switching timer was set incorrectly, leading to excessive loading on one carbon bed. On one day of another test, two tank trucks were purposely loaded simultaneously. causing vapor loading to exceed the design capacity of the CA system. This was done in order to determine the performance limit of the system. Further details are contained in Appendix C of the Background Information Document. Control unit efficiencies on the remaining seven days ranged from 98.6 percent to 99.6 percent. One of the systems tested included a vapor holder in its design.

One test was performed in 1979 by the California Air Resources Board on a carbon adsorption system using vacuum regeneration. Mass emissions measured at the system exhaust were not specified exactly, but were reported to be less than 12 mg/liter.

Thermal oxidizer systems do not recover any product. Instead, the

gasoline vapors are oxidized in a burner chamber. Many TO systems use vapor holders to store air-vapor mixture from the loading racks so that the system can process VOC vapors at a relatively constant concentration and flow.

Tests were performed on four thermal oxidizer control systems. Two of the control systems incorporated vapor holders, while two systems operated on an on-demand basis. Emissions from the thermal oxidizer systems ranged from 1.4 mg/liter to 107 mg/liter over the four systems tested. Control efficiencies varied from 86.6 percent to 99.8 percent. Even though there was a wide variability in the test results, all systems tested appeared to be operating properly. The two thermal oxidizer systems incorporating a vapor holder achieved an average VOC emission rate of 13.3 mg/liter, while the two systems without vapor holders averaged 46.4 mg/liter.

Refrigeration systems, as with the remainder of the systems to be discussed, recover gasoline vapors from the loading operation in the form of a liquid product. In the REF system, airvapor mixture from the loading racks is routed to a condensation chamber and passed over a series of cooling coils. Temperatures in the condensation section can be as low as -115° F. The gasoline vapors condense, with some water vapor in the air, and are separated in a gasoline/water separator.

Six refrigeration type vapor processing systems were tested in the EPA program, totaling 17 days of testing. The emissions in one test were unusually high compared to those from other REF tests. Problems with the test equipment and with the refrigeration system itself led to the high emissions in this test. Since these test results were not considered representative of the system's performance, data from this test were not included in the analysis of the REF system. In another test, serious leakage in the vapor collection system prevented almost half of the air-vapor mixture displaced from tank trucks from reaching the refrigeration system. Data from this test were also not included in the REF system performance evaluation. Appendix C of the Background Information Document contains further details on these tests. The daily average results from the four remaining tests ranged from 31.1 mg/liter to 103 mg/ liter, and indicated a control efficiency ranging from 77.1 percent to 94.6 percent. During two of these four tests, the refrigeration system was not cooling the vapors to the temperature for which the sytem was designed. Cooling section temperatures were approximately 40°F

warmer than the design temperature -60°F instead of -100°F). Emission rates adjusted for system leakage from these two tests averaged approximately 52 mg/liter. It is not known how much lower the emission rate would have been if the design temperature of the cooling sections had been maintained. but improved emission rates are expected for these systems if design temperatures are maintained. Most of the EPA testing performed since 1974 on REF systems involved systems which use chilled methylene chloride "brine" to cool the condenser section. Many newer systems use direct expansion of refrigerant for cooling, and recent tests indicate that the new systems may be capable of improved performance and reliability when compared to the older systems. Three tests performed in 1978 and 1979 by the California Air Resources Board on the latest model refrigeration systems measured outlet VOC mass emission rates of 48 mg/liter, 36 mg/liter, and 5 mg/liter.

In compression-refrigerationabsorption systems, the air-vapor mixture from the loading racks is first saturated to bring the concentration of the gasoline vapors above the explosive range and is then stored in a vapor holding tank. When the volume limit is achieved, the air-vapor mixture is routed to the CRA processing unit. The airvapor mixture is first compressed and then passed to a cooler-condenser section where some liquid is condensed and recovered. The remaining mixture is sent to an absorption section where the gasoline vapors are absorbed in chilled

gasoline.

Six CRA-type vapor processing systems were tested by EPA, totaling 16 days of testing. All of the systems tested incorporated vapor holders in the system design. Average daily processor outlet emission rates ranged from 41.5 mg/liter to 91.0 mg/liter. Processor efficiences ranged from 61.4 percent to 94.8 percent.

Compression-refrigerationcondensation systems are similar in operation to the CRC systems. The airvapor mixture is saturated and then stored in a vapor holding tank. The airvapor mixture is compressed and any condensed liquid is collected. The remaining mixture then passes through a series of refrigerated condenser sections before exiting to the atmosphere.

Two CRC vapor processing systems were tested, totaling five days of testing. One system tested had serious leakage problems from the vapor holder. No method was available to estimate the leakage so the outlet emissions could not be adjusted for comparison to the other tests. Processor efficiency was

also not calculated because the vapor leakage took place after the inlet sampling location. The two test days with complete results indicated emission rates of 48.4 mg/liter and 55.9 mg/liter, and processor efficiencies of 89.0 percent and 91.5 percent.

The final system evaluated was the lean oil absorption system. The LOA system is basically an absorption system where the gasoline vapors, which are predominantly lighter molecular weight hydrocarbons, are absorbed in a "lean oil," which is lean in light ends. The air-vapor mixture is introduced into the bottom of the absorption column and passes countercurrent to lean oil, generated on site, which is sprayed from the top of the tower. The recovered liquid is returned to storage.

One lean oil absorber processing system was tested, consisting of three days of testing. The daily average emission rate ranged from 73.0 mg/liter to 130.0 mg/liter with processing efficiency ranging from 74.1 percent to

85.9 percent.

Most of the systems evaluated were designed and installed to meet an 80 mg/liter (or about 90 percent efficiency) standard as required in many SIPs. The test data, however, reflect the potential of most of the systems to achieve a higher control efficiency.

As mentioned earlier, vapor leakage from tank trucks can be a major source of VOC emissions during terminal loading operations. As the gasoline or other liquid product is being loaded. most of the displaced vapors are collected and contained in the vapor collection system. However, some vapors may leak out of the hatch covers, pressure-vacuum (P-V) vents, and other vapor containment components on the tank truck to the atmosphere uncontrolled. Since, in this case, only part of the displaced vapor volume is collected and controlled, the overall efficiency of the vapor control system is reduced. Vapor tightness requirements on the delivery tank would reduce the fugitive emissions problem at the loading racks. No vapor tightness requirements were in effect at any of the terminals tested in the EPA control system test program. Vapor leakage for individual loadings varied from 0 to 100 percent. The average vapor leakage was approximately 30 percent.

To control these emissions, a maintenance program would be necessary. Such a program would consist of inspecting gaskets and seals for wear or crackling, hatch covers for warpage, and P-V vents to ensure that they seat properly. The maintenance program would involve repairing or

replacing any items in the tank truck vapor containment equipment that might allow vapors to escape. The ability of the delivery tank to maintain vapor tightness is dependent upon the loading method, maintenance program, and the type of service to which the tank is exposed. In separate EPA-sponsored program (EPA Report No. EPA-450/3-79-018), delivery tank trucks were tested in an area where a vapor tightness program was implemented. in this area. delivery tank trucks were required to pass an annual certification test which verified the vapor tightness of the tank. In this program, the annual average vapor leakage from the tested delivery tank trucks was reduced to about 10 percent.

Emissions through leaking tank trucks can be increased by improperly designed loading rack vapor collection systems. For example, if two trucks are loading simultaneously, vapor collected from one truck may pass through the vapor piping to another rack and escape through a non-vapor-tight truck. The leaking tank represents the path of least resistance to the atmosphere for the vapors in the loading rack collection system. This has been observed in several terminal tests. This problem can be eliminated by the installation of check valves or similar devices in the vapor collection system which would not allow vapors to pass from one loading rack to another. This design has been used at several terminals.

Regulatory Alternatives. Regulatory alternatives were developed which represent technically feasible levels of control for reducing VOC emissions from bulk gasoline terminals. The units of milligrams per liter (mg/liter) were used to compare the vapor processing systems tested and were, therefore, used to distinguish between emission reductions achiveable by each of the alternatives.

Based on review of the technical support data, four regulatory alternatives were selected. Under Alternative I no standards would be developed. Instead, the State Implementation Plans (SIP's) would be relied upon to control VOC emissions from bulk gasoline terminals. SIP regulations for VOC generally require controls only in the areas which do not meet National Ambient Air Quality Standards for ozone (non-attainment areas). However, 17 States are expected to require SIP controls statewide by 1982. A typical SIP regulation for gasoline loading at bulk terminals would require the routing of vapors to a vapor processing system and would limit the emission rate from the processor outlet

to 80 mg/liter. The emission rate of 80 mg/liter is roughly equivalent to 90 percent control efficiency. The typical SIP would also contain a requirement for gasoline delivery tanks to pass an annual vapor-tight test to minimize fugitive vapor losses at the loading terminal. It was estimated that SIP regulations on tank truck loadings and vapor tightness would affect approximately 70 percent of new and existing terminals by 1982.

The remaining three alternatives reflect two basic levels of control for vapor processing equipment installed at terminals, but represent three levels of overall emission reduction. Each of these three alternatives would require that affected facilities be equipped with vapor collection equipment. Emission limits would be met using vapor processing equipment similar to the systems tested by EPA. Emission test results indicate that most of the vapor processing systems which are now being installed to meet existing emission limits could, in fact, meet a more stringent standard.

Alternative II would require the SIP emission limit of 80 mg/liter and would also require that liquid product loadings into gasoline tank trucks be restricted to trucks which were vapor-tight. Emission reductions from the baseline would be experienced under Alternative II since all new, modified, or reconstructed terminals not covered by the SIPs would be regulated by Alternative II. These terminals would include those in attainment areas not regulated by SIPs. The test data indicate that the carbon absorption, thermal oxidation, refrigeration, CRA, and CRC vapor processing systems could meet the emission limits of Alternative II.

Alternative III would set a VOC emission limit based on 35 mg/liter as determined from the available test data. This alternative would have no specific tank truck vapor-tight requirements and would rely on the SIPs to control tank truck fugitive emissions in nonattainment areas. Tank truck fugitive emissions in attainment areas would remain uncontrolled under Alternative III. Inspection of the test data revealed that the carbon adsorption system and thermal oxidation system with vapor holder were roughly equivalent, giving the most consistent results in reducing VOC emissions. Emission rates from carbon adsorption systems ranged from 1.8 to 11.0 mg/liter, averaging 5.9 mg/ liter. Thermal oxidizer systems using a vapor holder produced emissions ranging from 1.4 to 29.4 mg/liter, for an average of 13.3 mg/liter. Although average emissions from carbon

adsorption systems were slightly lower, the cost analysis indicated that the thermal oxidation system using a vapor holder is the most cost-effective system for small terminals.

This is important since about half of the affected facilities are expected to be in the smallest model plant size.

The highest adjusted daily emission rate from the applicable tests on carbon adsorption and thermal oxidizer with vapor holder systems was approximately 29 mg/liter. This adjusted emission rate represents the calculated rate which would have occurred in a vapor-tight collection system, based on actual measured emissions and an adjustment factor based on measurements of tank truck vapor leakage during testing. In order to allow a small margin above the highest adjusted emission rate from the tested systems, a level of 35 mg/liter was selected as the emission limit for the regulatory alternative. It appears that refrigeration, as well as carbon adsorption and thermal oxidation, has the capability to achieve this limit, although some operational or design modifications might be required for specific systems.

Alternative IV is similar to
Alternative III in that it would limit the
vapor collection system emissions to 35
mg/liter. This emission limit is based on
the same control technologies as in
Alternative III. In addition, Alternative
IV would require that liquid product
loadings into gasoline tank trucks be
restricted to vapor-tight trucks.

Model plants were developed for new. modified, and reconstructed terminals in order to analyze and compare the environmental, energy, and economic impacts of each regulatory alternative. Four model plants were selected to represent the cross-section of daily gasoline throughputs found in the bulk gasoline terminal industry. Gasoline throughputs selected for comparison and analysis were 380,000 liters/day (100,000 gallons/day), 950,000 liters/day (250,000 gallons/day), 1,900,000 liters/day (500,000 gallons/day), and 3,800,000 liters/day (1,000,000 gallons/day). New terminals are best represented by the three larger model plant sizes while existing terminals are best represented by the three smaller model plant sizes.

Impacts of Regulatory Alternatives.
Under Alternative I, in the absence of additional standards of performance, there would be no VOC emission reduction beyond the reductions due to the SIPs, which will result in a 1982 baseline VOC emission level of 140,000 megagrams per year (Mg/year).

Under Alternative II, the 1982 baseline level would be reduced by 5,750 Mg/

year by 1985. This represents a reduction of about 60 percent, from 9,150 Mg/year to 3,410 Mg/year, in the VOC emissions from all new, modified, and reconstructed terminals.

Under Alternative III, nationwide VOC emissions would be reduced by 4,510 Mg/year by 1985. Emissions from affected terminals would be reduced by about 50 percent, from 9,150 Mg/year to 4,650 Mg/year by 1985. The lower emission reduction of Alternative III when compared to Alternative II illustrates the significance of tank truck vapor leakage. Even though processor outlet emissions under Alternative III would be reduced from 80 mg/liter to 35 mg/liter, the absence of a requirement that terminals restrict loadings of gasoline tank trucks to vapor-tight trucks more than offsets the additional VOC reduction.

Under Alternative IV, nationwide VOC emissions by 1985 would decrease by 6,620 Mg/year. The reduction in VOC emissions from affected terminals during this period would be about 70 percent, from 9,150 Mg/year to 2,540 Mg/year.

The regulatory alternatives would apply to all new, modified, or reconstructed terminals but would affect terminals in non-attainment areas differently than terminals in attainment areas. New and existing terminals in non-attainment areas would be regulated by SIP requirements and would therefore have some type of vapor control system already installed. Most terminals in attainment areas would not be controlled by SIPs and would experience the greatest effects of the regulatory alternatives. Terminals in attainment areas would experience different effects depending upon the type of loading currently used at existing terminals or that which would have been used by a new terminal in the absence of additional standards. There are two basic methods by which delivery tanks can be loaded at bulk terminals, top loaded through the hatchways on top of the tanks, or bottom loaded through adapters at the bottom of the tanks. Top splash loading involves inserting a nozzle into the hatchway and splashing the incoming product onto the surface of the product in the tank. Attaching a fixed or extensible downspout to the loading arm allows product to be introduced below the liquid surface (submerged loading). Bottom loading can also be considered a form of submerged loading. Generally, top splash loading results in greater VOC emissions than submerged loading. Thus, greater emission reductions would be achieved under any of the regulatory alternatives when controlling top splash

loading terminals compared to terminals using submerged loading.

VOC emissions for model plants would vary for each alternative. Under Alternative II, new, modified, or reconstructed terminals in nonattainment areas would experience no VOC emissions reduction. The emission limits for existing terminals in nonattainment areas under SIP regulations are identical to the limits under Alternative II. In an attainment area. under Alternative II, a terminal with a gasoline throughput of 950,000 liters per day which previously used submerged loading would experience a VOC emission reduction of 137 Mg/year (from 194 Mg/yr to 57 Mg/yr). For the same throughput terminal which previously used top splash loading, a VOC emission reduction of 408 Mg/yr (from 465 Mg/yr to 57 Mg/yr) would be experienced under Alternative II.

Under Alternative III, a 950,000 liter/day terminal in a non-attainment area would experience an VOC emission reduction of 19 Mg/yr (from 57 Mg/yr to 38 Mg/yr). For a submerged loading terminal in an attainment area, a VOC emission reduction of 87 Mg/yr (from 194 Mg/yr to 107 Mg/yr) would be experienced. If splash loading were used prior to control, this same terminal would experience a VOC emission reduction of 358 Mg/yr (from 465 Mg/yr to 107 Mg/yr) under Alternative III.

For a 950,000 liter/day terminal in a non-attainment area, emission reductions under Alternative IV would be the same as the emission reduction achieved under Alternative III, 19 Mg/yr (from 57 Mg/yr to 38 Mg/yr). For a 950,000 liter/day terminal in an attainment area, emission reductions achieved under Alternative IV would be 156 Mg/yr (from 194 Mg/yr to 38 Mg/yr) for a terminal which used submerged loading and 427 Mg/yr (from 465 Mg/yr to 38 Mg/yr) for a terminal which previously used splash loading.

Thermal oxidation systems emit carbon monoxide (CO) and oxides of nitrogen (NOx) during the combustion of VOC vapors. A thermal oxidation system at a 950,000 liter/day terminal would emit approximately 0.8 Mg/yr of CO and 0.3 Mg/yr of NOx. A worst case situation would be one in which 25 percent of the 50 modified or reconstructed terminals by 1985 were to install thermal oxidation systems, and all of these facilities had gasoline throughputs of about 950,000 liters per day. In this case, nationwide CO emissions would increase by 10 Mg/yr and nationwide NOx emissions would increase by 4 Mg/yr. For both of these pollutants, the emission increases

represent a small adverse nationwide air pollution impact.

Impacts on water pollution from any of the alternatives considered would be negligible, since none of the control systems considered uses water as a collection medium. Carbon adsorption systems using steam in the regeneration mode would have the greatest impact on water pollution. All of the steam would be condensed and any gasoline present in the condensed liquid would be separated in the terminal's gasoline/ water separator. However, there are no steam-regenerated carbon adsorption systems currently installed at bulk terminals, and the vacuum-regenerated systems currently in use will represent the primary carbon adsorption technology at bulk terminals into the foreseeable future. All other systems which chill or condense the air-vapor mixture use a gasoline/water separator integrated into their design, and discharge a small amount of condensed water vapor. The impacts on water pollution are the same for each of the regulatory alternatives because essentially the same control equipment is being assumed for each alternative.

Because all of the VOC emissions are incinerated or returned to storage as liquid product, there would be no direct solid waste impacts under the regulatory alternatives. Some solid waste could be generated indirectly due to disposal of activated carbon from carbon adsorption units after the useful life of the carbon had expired. The worst case for solid waste impact would occur if all affected facilities were to use carbon adsorption units for control and had to dispose of the activated carbon every 10 years. This would result in only about 50,000 kilograms (55 tons) of solid waste annually. Even in this worst case, the impact of the alternatives on solid waste would be negligible. In practice, not all affected facilities are expected to choose carbon adsorption for control, and in many cases the carbon may last longer than 10 years or may be transported off-site for regeneration and reuse.

The energy impacts were derived by assuming that all VOC emissions reduction was recovered as liquid product, and that one liter of this liquid product was equivalent to one liter of gasoline. It is assumed for a vapor-tight vapor collection system, that no part of the recovered product is lost to the atmosphere on the way to the storage tank. In addition, although the VOC liquid may not have the exact composition of gasoline, the liquid is returned to the storage tank where each liter becomes absorbed and is available

for loading into tank trucks as gasoline. The energy required to operate the vapor processing equipment was subtracted to determine the net energy impact of each alternative.

A net energy savings would result from each of the regulatory alternatives. A net energy savings for each alternative is projected even though it is assumed that as many as half of the small new, modified, or reconstructed terminals may install thermal oxidizer systems, which do not recover energy and have a small net energy loss. Alternative II would accomplish a net fuel savings of 8 million liters (2.1 million gallons) of gasoline per year in the fifth year of the standard. Alternative III would recover 6 million liters (1.6 million gallons) of gasoline per year in the fifth year.

Because it results in the greatest recovery of VOC, Alternative IV would result in the greatest net energy savings. Alternative IV would recover 9 million liters (2.4 million gallons) of gasoline per year in the fifth year of the standard.

A net energy savings would result from each of the model plant sizes for any of the vapor control systems except thermal oxidizer systems. Energy savings would range from an average of 144,000 liters per year (38,000 gallons per year) of gasoline for the smallest model plant (gasoline throughput 380,000 liters/ day) to an average of 1,540,000 liters per year (407,000 gallons per year) of gasoline for the largest model plant (gasoline throughput 3,800,000 liters/ day). A net energy loss ranging from 2,600 liters of gasoline per year for the small model plants to 22,000 liters of gasoline per year for the largest model plants would result through the use of thermal oxidizer systems.

The total capital and annualized costs to the bulk gasoline terminal industry were determined for each regulatory alternative. Capital costs include the purchase and installation of vapor collection and processing systems, retrofit of tank trucks to bottom loading and vapor recovery configurations, and conversion of top loading racks to bottom loading. Annualized costs include capital charges, utilities, maintenance and repairs, and routine operating labor. Alternatives II and IV would require an additional cost to perform an annual vapor-tight test and subsequent repairs on tank trucks.

In addition to the incremental costs incurred by bulk terminals under the regulatory alternatives, there would be a cost impact on owners of the "for-hire" tank trucks operating at terminals. For-hire tank trucks are those trucks owned by independent companies, which transport products from bulk terminals

to other distribution points. For-hire trucks are estimated to constitute about 70 percent of the tank trucks at bulk terminals. Companies operating for-hire tank trucks would have to install compatible loading and vapor recovery equipment on their tank trucks which serve affected bulk terminals. Since several configurations of adapters are possible, the regulation would require compatible equipment to ensure that tank truck and terminal vapor collection systems could be connected during product loading. All trucks not already having bottom loading and vapor recovery provisions would be retrofitted with this equipment, and thus there would be a cost impact on these companies as a result of the proposed standards. It is estimated that 390, or 2 percent, of the estimated 18,000 for-hire tank trucks would be affected in the first five years. Approximately 85 of these would have to convert to botton loading and incorporate vapor recovery provisions, at \$6,400 per tank truck, and 305 would have to add vapor recovery provisions only, at \$2,400 per tank truck. Annualized costs to the for-hire tank truck industry would include the cost of maintaining the vapor recovery equipment and, under Alternatives II and IV, the cost of performing an annual vapor-tight test on each gasoline tank truck.

The total capital cost to the bulk gasoline terminal industry for the installed vapor control equipment necessary to meet Alternative II on the 55 new, modified, or reconstructed terminals expected through the first five years of the standard would be approximately \$23.0 million. The terminal industry annualized cost in 1985 would be \$3.3 million. The total capital cost to the for-hire tank truck industry through the first five years would be approximately \$1.3 million. Annualized cost to the tank truck industry in 1985 would total approximately \$0.7 million, due to incremental maintenance and testing requirements. The overall annualized cost-effectiveness in 1985 expected under Alternative II would be \$696/Mg (\$632/ton) of VOC controlled.

Under Alternative III, the total capital cost for vapor control equipment necessary through the first five years would be approximately \$24.0 million. The industry annualized cost in 1985 would be \$4.1 million. The total capital cost to the for-hire tank truck industry through 1985 would be about \$1.3 million, and the annualized cost in 1985 would total about \$0.6 million. The industry annualized cost-effectiveness in 1985 expected under Alternative III

would be \$1,042/Mg (\$946/ton) of VOC controlled.

Under Alternative IV, the total capital cost to the terminal industry for vapor control equipment necessary through the first five years of the standard would be approximately \$24.0 million. The terminal industry annualized cost in 1985 would be \$3.6 million. As in Alternative II, the total capital cost to the for-hire tank truck industry through 1985 would be about \$1.3 million, and the annualized cost in 1985 would total about \$0.7 million. The overall annualized cost-effectiveness in 1985 expected under Alternative IV would be \$650/Mg (590/ton) of VOC controlled.

A mix of current control technologies being installed to achieve 80 mg/liter was used to establish the capital cost figures for Alternative II. Three of the four technologies used could, in fact, meet an emission limit of 35 mg/liter. These three technologies were then used to establish the capital costs for Alternatives III and IV. Because the costs of all the control technologies considered are similar and because much the same equipment was used to establish the capital costs for each alternative, the resultant capital costs for Alternatives II, III, and IV are similar To meet the emission limits of any of the alternatives, the vapors from tank trucks would have to be collected and routed to the terminal collection system. Therefore, the costs for tank truck retrofitting would be the same for each alternative. The differences in net annualized cost among the alternatives result from differing product recovery cost credits at affected terminals, and the inclusion of tank truck vapor-tight requirements under Alternatives II and

For Alternative II, cost assessments were performed on the carbon adsorption, thermal oxidizer, refrigeration and compressionrefrigeration-absorption vapor processing systems for each model plant size. Operating costs for the compression-refrigeration-condensation system are considered comparable to the CRA system. The lean oil absorption system was not included in the analysis because the test data indicated that the system tested would not be able to meet the requirements of Alternative II. For Alternatives III and IV, cost assessments were performed on the carbon adsorption, thermal oxidation. and refrigeration vapor processing systems only. The test data indicated the inability of the CRA or CRC systems to meet a 35 mg/liter limit. For all of the alternatives, the thermal oxidizer system would be competitive with the other

units only at the smaller model plant sizes. All other systems evaluated are comparable when considering annualized costs.

A secondary, or add-on, vapor processor could be chosen by the owner or operator of an existing SIP-controlled facility which became an affected facility under the proposed standards. Add-on systems, primarily carbon adsorption and thermal oxidation, have been used at bulk terminals to increase the control efficiency of existing processing systems. Selecting an add-on system to process part of the vapors would be an option to replacing the existing system with a more efficient system designed to handle the entire load. The add-on option would require operating and maintaining two processors, whereas the option of replacing the system entirely means that expenses would be incurred for just one processor. The incremental net annualized cost for the add-on option is virtually independent of terminal size. amounting to approximately \$20,000 per year for an add-on carbon adsorption system, and \$45,000 per year for an addon thermal oxidizer system. The incremental net annualized cost of a replacement carbon adsorption system would average approximately \$37,400 for any terminal size. Due to the loss of gasoline recovery cost credits, a thermal oxidizer system replacing a vapor recovery system would cost from \$43,000 per year to \$300,000 per year more than the costs incurred due to the original system. As a result, add-on or replacement thermal oxidizer systems are likely to be selected for use only at the smallest bulk terminals.

An economic analysis performed on each of the regulatory alternatives investigated impacts for new terminals and for modified or reconstructed terminals. New terminals constructed in previously regulated (non-attainment) areas will incur no additional costs as a result of any of the regulatory alternatives because the collection and processing systems being installed to meet SIP requirements are essentially identical to those systems which would be considered under the regulatory alternatives. New terminals in attainment areas would incur varying control costs depending on their size and type of loading. Control costs would not vary significantly among the regulatory alternatives, although the improved product recovery cost credits under Alternative IV lead to the lowest net annualized cost of any alternative. Industry information indicates that no new 380,000 liter/day bulk terminals are planned in the first five years of the

proposed standards, because the potential rate of return on smaller terminals is not sufficient to encourage their growth. Terminals in the 950,000 liter/day size category are considered marginally profitable, even without additional control costs. Therefore, only one new terminal of this size is expected to be constructed in an attainment area in the first five years of standards. The two largest model plant sizes, 1,900,000 and 3,800,000 liters/day, are considered attractive investment possibilities, and one new 1,900,000 liter/day terminal is expected to be constructed in an attainment area in the first five years. The construction of these two terminals should not be hindered under any of the alternatives. The 950,000 liter/day terminal would have to pass through most of the control costs to remain a reasonable investment. The necessary degree of cost pass-through appears possible.

Approximately 50 existing bulk terminals are expected to be modified or reconstructed in the five year period covered by this assessment, with 30 of these being in attainment areas. The affected terminals in attainment areas would be likely to experience the impact of installing a complete new vapor collection and processing system where none existed previously. The remaining 30 affected terminals in non-attainment areas would experience a lesser impact because a system to satisfy SIP requirements would probably already be in place. Such a system would satisfy the requirements of Alternative II. but may require upgrading or partial replacement under Alternative III or IV.

Existing terminals of the smallest model plant size (380,000 liters/day) would have to pass through essentially all of the control costs in order to maintain an acceptable rate of return under any regulatory alternative. Existing top loaded 950,000 liter/day terminals in attainment areas would be in a similar situation because they would experience the full impact of converting the loading racks to bottom loading and installing vapor collection and processing systems. It is estimated that 25 of the former case and two of the latter case will occur in the first five years of the proposed standards. In general, full cost pass-through would be unlikely due to competition from other existing terminals and from consumer pressure as indicated by current conservation patterns. However, it is likely that most of the control costs will be able to be passed through, allowing most of the 50 modified or reconstructed terminals to experience acceptable postcontrol returns on investment. Capital

availability would not be adversely affected by any of the regulatory alternatives. The larger terminals should not encounter any difficulty in meeting the control costs resulting from modifications or reconstructions under any alternative. Terminals in nonattainment areas which replace, upgrade, or add onto an existing control system should also be able to maintain an acceptable return on investment. It should be noted that the control costs under any regulatory alternative are similar to those being borne by a large number of terminals as a result of State VOC regulations.

The current trend toward the consolidation of existing facilities of marginal profitability can be expected to continue under the proposed standards, but the analysis does not indicate any additional closures. The cost passthrough analyses for both new and existing terminals indicate that maximum price increases of less than 0.6 percent would result from any regulatory alternative. It should be noted that this increase would not affect nationwide gasoline prices, but represents a worst case situation within the bulk terminal industry due to complete cost pass-through.

The regulatory alternatives would affect the independent tank truck industry with minor impacts. The profitability of the firms in the industry would not be impacted significantly since regulatory cost absorption would be minimal. Most of the regulatory costs would be passed through to the consumer, causing a maximum increase in retail gasoline prices of less than 0.07 percent for any of the alternatives. It should be noted that this increase would not affect nationwide gasoline prices, but represents a worst case situation within the independent tank truck industry due to complete cost passthrough. Additionally, no closures or dislocations of tank truck firms are expected to result from any of the regulatory alternatives.

Section 111 of the Clean Air Act requires that standards of performance be based on the degree of emission reduction which the Administrator judges to be achievable through application of the best technological system of continuous emission reduction, considering costs, non-air quality health and environmental impacts, and energy requirements, which has been adequately demonstrated. Therefore, in selecting the basis of the proposed standards, the Administrator first examined Alternative IV, which would achieve the greatest reduction in VOC emissions.

This alternative would result in a net energy savings of approximately 9 million liters (2.4 million gallons) of gasoline in the fifth year of the standard, which is more than any other alternative. Water and solid waste impacts are essentially negligible under this alternative. Both total capital and net annualized costs to the bulk terminal and for-hire tank truck industries are not excessive under Alternative IV. Small bulk terminals, which would bear the greatest economic impact, would be likely to be able to pass through most of the control costs in order to remain viable. Even the product price increases on the order of 1 percent which could occur if full cost pass-through were possible for terminals are considered reasonable. The price increases due to costs incurred by for-hire tank truck firms would be the same for any alternative. Finally, test data indicate that systems have been demonstrated that can achieve the emission limitation required by this alternative. After consideration of these factors, the Administrator selected Alternative IV as the basis for the proposed standards. It is noted that Alternative IV would achieve a greater VOC emission reduction at less annualized cost than Alternative III.

Selection of Format of Proposed Standards

Section 111 of the Clean Air Act requires the promulgation of standards of performance, establishing allowable emission limitations for a category of stationary sources, whenever it is feasible to promulgate and enforce standards in such terms. Standards of performance are considered not feasible to promulgate or enforce when either (1) a pollutant or pollutants cannot be emitted through a conveyance designed and constructed to emit or capture such pollutant, or (2) the application of measurement methodology to a particular class of sources is not practicable due to technological or economic limitations. If the Administrator judges that it is not feasible to prescribe or enforce a standard of performance, Section 111(h) allows the promulgation of a design, equipment, work practice, or operational standard, or combination of these, which reflects the best technological system of continuous emission reduction (taking into consideration the cost of achieving such emission reduction, and any non-air quality health and environmental impact and energy requirements) which has been adequately demonstrated.

As discussed earlier, VOC emissions at tank truck loading racks are

generated when the incoming product displaces air-vapor mixture from the truck-mounted tanks. At an uncontrolled loading rack, the entire quantity of mixture is emitted directly to the atmosphere through open hatch covers or vents. The vapor control systems currently being used at bulk gasoline terminals collect the air-vapor mixture displaced from tank trucks and route the mixture to a vapor processing system. The mixture is conveyed to the processor through vapor collection systems installed on the tank trucks and on the bulk terminal's loading rack system. Even in controlled systems, VOC emissions may occur from the loading operation due to vapor leakage from closed gasoline tank trucks during product loading. These VOC leakage emissions originate at various points on the tank, such as leaking pressurevacuum vents and defective hatch covers and seals. Due to the fugitive nature of these emissions, it is not feasible to collect the escaping vapors and route them through a conveyance. Since tank leakage measurements at the loading racks do not provide a quantitative measurement of total VOC concentration, flow rate, or mass emissions, an enclosure around a loading tank truck would be necessary in order to trap emissions for measurement. An enclosure and conveyance to accomplish this is not technologically or economically practicable. Due to these considerations, the Administrator determined that a standard of performance, in the form of a numerical emission limit, could not be set, and that a work practice standard would be appropriate for controlling tank truck vapor leakage emissions.

Two methods of defining tank truck vapor tightness and regulating leakage emissions under a work practice standard were considered. The first method would require the use of a portable combustible gas detector during product loading to detect leaks. Any measurement in excess of a specified limit would define a leaking tank. However, the terminal owner or operator may not have control over the maintenance of all trucks loading at his terminal. Also, many terminals use automated billing equipment which allows the tank truck driver to load the tank without any interaction with terminal personnel. At these terminals, a requirement that each loading be monitored would represent an excessive burden. For these reasons, the regulatory format requiring leak monitoring of each gasoline tank truck during product loading was not selected by the Administrator.

The second method would require the terminal owner or operator to restrict loadings of gasoline tank trucks to those which had passed an annual vapor-tight test. This test would be a pressure test of the delivery tank itself and would yield a quantitative measure of tank leakage. Test data show that annual testing and subsequent leakage repair can reduce the average annual tank truck emissions from 30 percent before repair to 10 percent of the vapors displaced during product loading. This work practice standard format would consist of a requirement that the owner or operator of an affected facility restrict product loadings of gasoline tank trucks to those for which he possessed documentation that the tank had passed the vapor-tight test within the 12 preceding months. This format would provide some control over leakage emissions and would not impose an excessive burden on bulk terminal owners or operators. No direct requirements would be placed on operators of for-hire tank trucks which load at affected loading racks. Because this format is the most practical means of controlling emissions from tank trucks, it was selected by the Administrator as the format for the work practice standard.

As discussed previously, in order to set a numerical emission limit for the loading operation at regulated loading racks, the total VOC emissions would have to be measurable, so that a comparison with this emission limit could be made. Since the small portion of the displaced vapors which may leak from the tank trucks cannot be quantitatively measured, accurate measurements of total VOC emissions from tank truck loading are not possible. However, the major portion of the displaced vapors can be measured after the vapors are collected at the loading rack. Vapor collection systems typically include the equipment at the loading rack used to contain and route emissions, and generally consist of hoses or arms, manifolding, piping, and check valves. This type of system is consistent with the current state-of-theart collection systems in use at many existing bulk terminals. Because of its demonstrated control effectiveness, and because it is not possible to set a standard of performance for the total emissions from the loading operation, an equipment standard requiring a vapor collection system at each loading rack was selected by the Administrator as the format for controlling VOC emissions at the loading racks.

If there were leaks in the terminal's vapor collection system, some or all of

the displaced vapors would not reach the vapor processor and would escape to the atmosphere uncontrolled. Leak sources can include flanges and other connections, valves, and pressure relief devices (such as those used in vapor holders). Leakage in excess of 80 percent of the displaced vapors has been found in some EPA tests at bulk terminals. In order for control measures to be effective, leakage from the vapor collection and processing equipment must be minimized. Section 111(h)(1) of the Clean Air Act directs the Administrator to include as part of any equipment standards promulgated under § 111(h) "such requirements as will assure the proper maintenance of any such . . . equipment." Periodic visual monitoring of the equipment required by these proposed standards and repair of observed leaks would minimize VOC leakage without imposing an unreasonable burden on terminal owners and operators. Therefore, the proposed standards include such an inspection-and-repair requirement aimed at enhancing the effectiveness of the proposed standards.

Because emissions from the vapor collection system can be measured, standards of performance in the form of a numerical emission limit can be applied to the vapor collection system. Several formats for these standards of performance are possible. Three formats considered for limiting emissions from the vapor collection system include a concentration standard, a control efficiency standard, and a mass emissions standard. It is assumed that a vapor processing system would be used under any of these formats to achieve the required emission limit.

A format expressed in terms of concentration would limit the VOC concentration in the exhaust from the vapor processing system. The advantage of the concentration format is that a test method to determine VOC concentration does not require flow measurements. These data are required to convert concentration measurements to mass emission measurements. There are, however, several disadvantages to a concentration format. The test data indicate a variation in exhaust gas flow rates and concentrations among the various systems. Flow rates are high through the thermal oxidizer system, which uses large amounts of combustion air, and are low through the refrigeration and CRA systems, which use no outside air in their operation. In addition, the vacuum regenerated carbon adsorption system uses warm purge air to enhance the desorption. These variations in amount of dilution air would require

adjustments to compare the systems on an equal basis. The outlet concentrations also vary from system to system and between similar systems manufactured by different companies. Separate concentration limits might be required for each type of control system at each affected terminal if a concentration format were selected.

Information from the manufacturers and results from the testing program indicate that the control efficiencies of the processing systems are dependent on the inlet concentration to the processor. The test data further indicate that concentrations at the inlet of the processor vary considerably from terminal to terminal. This variation is caused by many factors which can include temperature, pressure, vapor tightness of tank trucks, loading method, and whether vapor balancing of tank trucks is used. Vapor balancing consists of routing the vapors, displaced during loading of the customer tank, back to the delivery tank truck. Because of the many factors which may affect the vapor processor inlet concentration. adjustment calculations to compare all terminals on an equal inlet concentration would be very difficult.

Two forms of a mass standard format were considered. The first of these mass formats was an adjusted mass emission limit. An adjusted limit method estimates the volume of vapor loss due to tank truck leakage and assumes that this vapor loss is controlled by the vapor processor at the same efficiency as that measured during the source test. These estimated "processed" truck leakage emissions are then added to the emissions actually measured at the vapor processor outlet to arrive at the adjusted emission rate. This adjustment method, therefore, calculates the emissions from the tank truck loading operation assuming there is no vapor leakage in the vapor collection system. The adjusted emissions method was used to normalize the test results from all the terminals tested so that all control systems could be compared on an equivalent leak-free basis.

The disadvantages of the adjusted mass emission format include: (1) a complex and expensive test procedure, and (2) the mathematical adjustment of an accurately measured value (actual VOC mass emissions from the processor outlet) to obtain the emission limit. The test procedure required to determine the adjusted limits would be identical to the procedure used in the EPA emission testing program. The test procedure requires three days of testing and requires measurements to be taken at the processor outlet, at the vapor

collection system inlet at the loading rack, and at the tank truck hatches for detection of leaks. This test would typically cost \$15,000 to conduct.

The second of the mass formats, a mass standard based upon the vapor processor outlet emissions, would involve a simpler, less expensive, and more straightforward test procedure. The vapor processor outlet test would require measurement of the VOC mass emissions at the processor outley only. The emission test procedure, therefore, would not require any mathematical adjustments of the measured VOC mass emissions. The test procedure would be further simplified by requiring only one day of testing. It is estimated that this type of test would cost from \$5,000 to \$10,000, depending on the type of processor being tested.

The difference between the processor outlet mass emission format and the adjusted mass emission format is that the variable of fugitive tank truck emissions due to leakage is not taken into account under the outlet mass emissions format. However, since neither approach would actually control the fugitive emissions, additional testing complexity and cost are considered to be unwarranted. Due to these considerations, a mass emission format, based on measurements at the outlet of the vapor processor only, was selected.

Selection of Numerical Emission Limits

As discussed previously in the section entitled "Regulatory Alternatives," the numerical limit for Regulatory Alternative IV, which was selected to represent the performance of the best systems tested by EPA at bulk terminals. Although measured emissions from all types of processing systems are highly variable, two of the control technologies achieved consistently low emissions. Three tests on carbon adsorption systems, and two tests on thermal oxidation systems using a vapor holder to release accumulated vapors to the processor on a batch basis, indicated that these two types of systems represented the best control technology for this application. These two types of control systems were selected to represent the best technological system of continuous emission reduction, as required by Section 111 of the Clean Air Act.

The highest adjusted daily emission rate of 29 mg/liter for these two types of systems led to the selection of 35 mg/liter as the emission limit for the proposed standards. It should be noted that any system capable of achieving this limit would be acceptable. Some of the test data and comments from manufacturers of vapor processors

indicate that several types of systems could be designed to achieve an emission limit of 35 mg/liter. Design variables could include equipment sizing, increased utilities consumption, and improved system reliability.

The vapor processors designed for VOC control at bulk gasoline terminals require regular maintenance attention in order to consistently achieve the emission limit for which they are designed. Proper maintenance for these units generally includes frequent (at least daily) visual inspections in order to monitor competent operation, fluid levels, warning lights, pressures, temperatures, presence of leaks, and other miscellaneous items. Manufacturers frequently supply inspection checklists to facilitate these routine checks, and some terminals have developed individual lists for their own use. Most terminals incorporate such inspections into the normal duties of their maintenance personnel, which include routine checks of loading racks, storage tanks, pumps, and other terminal equipment. Of course, the inspections themselves do not maintain the proper operation of vapor processors, but any necessary repairs indicated through atypical readings, sounds, etc., can be implemented rapidly to minimize downtime.

Each type of vapor processor has different maintenance requirements due to varying system size and complexity, types of components, and operating time and sequencing. Refrigeration systems require daily checks of several subsystems and components. Defrost system pump pressure, as well as fluid levels and temperatures, should be checked regularly. Oil levels, pressures, and temperatures in the precooler and refrigeration systems require regular inspection. Liquid recovery meters and condenser coil temperature records on some units indicate the level of performance of the units. Maintenance on carbon adsorption systems includes checks of cycle timing and bed vacuum and temperatures. Elapsed system operation time meters on some systems provide an indication of proper system operation and can indicate maintenance intervals. Maintenance of thermal oxidation systems may include daily observation of the activation sequence and inspection of pilots and burners. Sight ports are generally provided so that the condition of the flame can be observed. Vapor holders in these systems should be frequently inspected for leaks, and the high and low level switches checked for proper operation. All vapor processors are provided with indicator panels to warn of

malfunctions, and most have automatic shutdown or interlock systems. These systems provide automatic indication that maintenance attention may be required. The annual costs to maintain vapor processing systems, including routine inspections and the expected typical repair costs, have been considered in determining the cost impact on affected terminals.

The vapor-tight test for gasoline tank trucks, Reference Method 27, would require applying a pressure of 4,500 pascals (450 millimeters of water) to the delivery tank and require that the tank sustain a pressure loss of not more than 750 pascals (75 millimeters of water) in 5 minutes from the initial pressure level. The applied pressure value of 4,500 pascals represents the pressure at which tank P-V vents begin to open to relieve tank pressure. Thus, this value was selected for the test limit used to determine tank vapor tightness. This test has been used successfully in California since 1977. Note that only the pressure test, and not the vacuum test, of Reference Method 27 would be applicable under the proposed standards. Only the pressure test is required because tank truck vapor leakage during product loading occurs only when the delivery tank is under positive pressure (product displacing vapors out of the tank). These limits for the tank truck vapor-tight test represent a vapor containment efficiency of 99 percent after testing. However, the tanks do not remain vapor-tight all year. Leaks can occur in the vapor containment equipment due to wear and tear during loading, lodging of foreign material on valve seats, or equipment shock during over-the-road travel. Tests show that the average annual containment efficiency of leak-tested tanks decreases to about 90 percent.

Back pressure from the vapor collection and processing equipment should not exceed the pressure limit of the tank truck vapor-tight test. If the back pressure exceeds this pressure limit, leaks may occur even from tanks which have passed the vapor-tight test.

Therefore, to eliminate the problem of system back pressure causing leaks in the delivery tanks during loading, the vapor collection and processing systems must be designed so that the system back pressure, measured at the loading rack, will always be less than the pressure limit of the tank truck pressure test. This is accomplished in practice by specifying the proper piping diameter and length, minimizing the number of flow control components such as check valves, and selecting a vapor processor which is properly sized to match the

loading activities at the terminal. Therefore, the proposed standards would require that the terminal's collection and loading systems be designed so that the test pressure limit of 4,500 pascals (450 mm of water) will not be exceeded in the delivery tank during product loading.

The pressure-vacuum (P-V) vents commonly used in bulk terminal vapor collection systems are designed to open to relieve any system pressure which exceeds a predetermined value. These vents should not open at any pressure value which may occur in a normally operating system. Since system back pressure may reach the pressure limit of the tank truck pressure test, the P-V vents must not begin to open at any pressure less than this pressure limit. Vents opening at a lower pressure could unnecessarily allow uncontrolled VOC emissions to escape to the atmosphere. Therefore, the proposed regulation would require that these vents have the capacity to contain the vapors in the system under the operating pressure range of the system.

Modification/Reconstruction Considerations

Modification, as defined in § 60.14 of Chapter I, Title 40, of the Code of Federal Regulations (CFR), occurs when any physical or operational change to an existing facility results in an increase in the emission rate to the atmosphere of any pollutant to which a standard applies.

Investigation of the bulk gasoline terminal industry indicated that there are several changes at a bulk terminal which could constitute a modification under § 60.14. The criteria for determination of modification would be applied to the entire affected facility, which is designated as the total of all the loading racks which service gasoline tank trucks. For example, any loading rack conversion resulting in a net increase in the emission rate to the atmosphere from an existing facility could be considered a modification, and the existing facility would become an affected facility. A second example would be a physical change to an existing facility which resulted in increased product throughput. However, according to § 60.14(e)(2), such a change would not be considered a modification unless it required a capital expenditure. as defined in § 60.2. For example, the addition of a new loading position, which would require a capital expenditure, to an existing facility with a resulting increase in throughput and in net emission rate would be considered a modification.

Reconstruction, as defined in § 60.15 of Chapter I, Title 40 of the CFR, occurs when the fixed capital cost of replacement components of an existing facility exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new facility, and it is shown that it is technically and economically feasible to meet the applicable standards. The 50 percent capital cost figure for reconstruction is a cumulative value of the replacement components for the existing facility. Upon replacement of components, the Administrator would determine, on a case-by-case basis, whether a reconstruction had taken place and whether the existing facility would become an affected facility under the standards.

As in the case of modification, the determination as to whether reconstruction had taken place would be made by applying the criteria to the entire affected facility, which is designated as the total of all the loading racks which service gasoline tank trucks. Again, investigation of the bulk gasoline terminal industry has indicated certain component repairs and replacements which would be considered under the reconstruction provisions. Top to bottom loading conversions of the loading racks, for example, usually exceed the 50 percent fixed capital cost criterion. If so, these conversions would be reviewed under the reconstruction provisions. The Administrator reviews these conversions on a case-by-case basis and, as specified in § 60.15(f), his decision is based upon the following: [1] the fixed capital costs of the replacement components, (2) the estimated life of the facility, (3) the extent to which the components being replaced cause or contribute to the emissions from the facility, and (4) any economic or technical limitations on compliance with applicable standards of performance which are inherent in the proposed replacements. Considering the above items, the Administrator would then determine if the top to bottom loading conversion would constitute a reconstruction.

Replacement or unscheduled major repairs of such items as loading arms, pumps, or meters may not by themselves exceed the 50 percent replacement cost of a new facility. However, since the 50 percent replacement cost is a cumulative figure, these unscheduled major repairs and replacements would be included in reaching the 50 percent criterion.

Normal maintenance items are not included in this determination of the 50 percent replacement cost. Normal

scheduled maintenance items include pump seals, meter calibrations, gaskets and swivels in loading arms, coupler gaskets, and overfill sensor repairs. Items which typically require replacement under a normal maintenance program include vapor hoses and grounding cables at the loading rack.

Selection of Performance Test Methods

The VOC concentrations in the vapor processor exhaust would be determined using either EPA Reference Method 25A or 25B. Method 25A, "Determination of Total Gaseous Organic Concentration Using a Flame Ionization Analyzer," applies to the measurement of total gaseous organic concentration of vapors consisting of alkanes, alkenes, and/or arenes (aromatic hydrocarbons). The concentration is expressed in terms of propane (or other appropriate organic compound) or in terms of organic carbon.

A sample is extracted from the source through a heated sample line and glass fiber filter and routed to a flame ionization analyzer (FIA). Results are reported as concentration equivalents of the calibration gas organic constituent, carbon, or other organic compound.

Method 25B, "Determination of Total Gaseous Organic Concentration Using a Nondispersive Infrared Analyzer," is similar to Method 25A and applies to the measurement of total gaseous organic concentration of vapor consisting primarily of alkanes. The concentration is expressed in terms of propane or in terms of organic carbon. The sample is extracted as described in Method 25A and is analyzed with a nondispersive infrared analyzer (NDIR). Results are reported as propane equivalents or as carbon equivalents.

Volumetric flow rate of the exit gases from the vapor processor outlet would be measured using EPA Reference Method 2A or 2B. Method 2A, "Direct Measurement of Gas Volume Through Pipes and Small Ducts," applies to the measurement of gas flow rates in pipes and small ducts, either in-line or at exhaust positions, within the temperature range of 0 to 50°C. A gas volume meter is used to directly measure gas flow. Temperature and pressure measurements are made to correct the volume to standard conditions.

Method 2B, "Determination of Exhaust Gas Volume Flow Rate from Gasoline Vapor Incinerators," applies to the measurement of exhaust volume flow rate from incinerators that process gasoline vapors consisting generally of alkanes, alkenes, and/or arenes (aromatic hydrocarbons). It is assumed

that the amount of auxiliary fuel is negligible. The incinerator exhause flow rate is determined by carbon balance. Organic carbon concentration and volume flow rate are measured at the incinerator inlet. Organic carbon, carbon dioxide, and carbon monoxide concentrations are measured at the outlet. The ratio of total carbon at the incinerator inlet and outlet is multiplied by the inlet volume flow rate to determine the exhaust flow rate.

Methods 2A, 2B, 25A, and 25B are essentially the same methods used on existing bulk gasoline terminals to establish the majority of the data base used in the development of the proposed standards. The tests conducted to establish the data base used three 8hour test repetitions to average out environmental effects on the vapor-toliquid volume (V/L) measurements, because temperature and pressure variations in the vapor collection system can affect the vapor volume measured at the inlet to the processor. These V/L values were used to adjust the measured mass emissions to account for leakage. The proposed test procedures would measure the processor outlet only and do not require any adjustments. However, the owner or operator may adjust the emission results to exclude methane and ethane, which are considered negligibly photochemically reactive and do not appreciably contribute to the formation of ozone, a policy announced in EPA's "Recommended Policy on the Control of Volatile Organic Compounds," 42 FR 35314 (July 8, 1977). No reference methods have been promulgated by EPA for specific measurement of methane and ethane. However, these compounds can be measured by gas chromatographic analysis, or any other method approved by the administrator. Since no V/L measurements are require for adjustment, the proposed test procedures incorporate one 6-hour averaging period. The test period is considered to represent the performance of the vapor processing systems. A minimum of 300,000 liters of gasoline would have to be loaded in order for the test period to be valid. This volume of gasoline represents 7 to 10 truck loadings, which is considered to be the minimum number required to allow system performance to be adequately evaluated. Conducting a performance test using these procedures would cost a facility between \$5,000 and \$10,000, depending on the type of processor being tested.

At many terminals, switch loading is practiced, as discussed in the section entitled "Selection of Pollutants and Affected Facilities." There are two major types of switch loading of concern with regard to the testing of VOC emissions generated during tank truck loading. First, gasoline may be loaded into a tank which has carred a nonvolatile product, such as diesel fuel, on the previous load. This tank would contain essentially no VOC vapors, so the VOC emissions during loading would be negligible. Second, a product such as diesel fuel may be loaded into a tank which has carried gasoline on the previous load. The VOC vapors from the previous load of gasoline would be displaced by the incoming product.

At a particular terminal the tank truck population is static over the short term, and each tank truck operates at just that one terminal. Therefore, the frequency of each of the two types of switch loading discussed above would be about equal, and the quantity of VOC emissions could be accounted for by considering only the volume of gasoline dispensed during a given time period. This approach to determining emissions at a terminal would simplify the test procedure. If the liquid volume of all products dispensed into gasoline tank trucks during the performance test were considered, then the liquid volume not displacing gasoline vapors would have to be subtracted form the total volume loaded in order to correlate the VOC mass emitted with the corresponding liquid volume. This procedure would require that each driver be asked which product was carried on the previous load. Based on the information obtained, only the loadings displacing gasoline vapors would be added to obtain the total volume to be used in the calculations. However, since the accuracy of this information would depend on the knowledge of several individuals who may not know the facts, and because it may require extra test personnel to question the drivers, this procedure is not considered to be the most practical method of conducting the performance test.

The procedure which considers only the volume of gasoline loaded during the test relies on a known quantity which can be obtained directly from dispensing meters, instead of relying on uncertain data. The two cases of switch loading essentially cancel each other in terms of their effects on the test results. Therefore, the proposed standards would require emissions to be calculated in terms of the total volume of gasoline dispensed during the performance test. Since excessive practice of switch loading has the potential to affect the test results by increasing the apparent emission level.

especially if there were extra unbalanced instances of nonvolatile product loadings into tanks containing gasoline vapors, it is recommended that switch loading be minimized during the performance test.

If there are leaks in the vapor collection system, part of the displaced vapors will escape to the atmosphere and not be controlled by the vapor processor. In order for the emission limitation from the collection system to be effective, any leakage in the system should be repaired as soon as possible. For this reason, the proposed standards would require that the vapor collection and processing systems, as well as the affected loading racks, be visually inspected for liquid or vapor leaks on a monthly basis. The costs presented for the proposed standards include costs for inspection of the control equipment to ensure proper operation and maintenance. Visual inspections for leaks would be part of these inspections and would impose no costs in addition to those already reported. Such inspections would require perhaps one hour to accomplish, and would not impose an unreasonable burden on a terminal owner or operator. In fact such inspections are already a routine practice at many bulk terminals. Under the proposed regulation, a summary of the findings during the inspections would be required as part of the quarterly written report of excess emissions required by the General Provisions, § 60.7(c). The repair interval, i.e., the length of time allowed between the detection of a leak and repair of the leak, selected for the leak inspection requirement is 15 days. This repair interval would allow effective VOC emission reduction to be maintained, while not being burdensome to the terminal operator.

In addition to the monthly inspection, potential sources of vapor leaks would be monitored immediately prior to a system performance test using EPA Reference Method 21, which applies to determination of VOC leaks from organic liquid and vapor processing equipment. A portable instrument is used to detect VOC leaks from individual sources. All leaks would have to be repaired before the test was conducted. This ensures that the vapor processing system is processing the total flow of air-vapor mixture while the performance of the system is being evaluated.

The terminal operator should accept vapor tightness test documentation only for gasoline delivery tank truck testing conducted according to EPA Reference Method 27, "Determination of Vapor

Tightness of Gasoline Delivery Tanks Using Pressure-Vacuum Test." This method is applicable for the determination of vapor tightness of a gasoline delivery tank which is equipped with vapor collection equipment. The cost to perform this annual test would be about \$100, plus an average additional repair cost of \$50. Variations on this test method are acceptable only with the approval of the Administrator.

Selection of Monitoring Requirements

There are presently no demonstrated continuous monitoring systems commercially available which monitor vapor processor exhaust VOC emissions in the units of the proposed standard (mg/liter). This monitoring would require measuring not only VOC exhaust concentration, but also exhaust gas volume flow rate, volume of product dispensed, temperature, and pressure. Therefore, continuous monitoring in units of the standard would not be

required at this time.

Monitoring equipment is available to monitor the operational variables associated with vapor processing system operation. Monitoring of operations indicates whether the vapor processing system is being properly operated and maintained, and whether the processor is continuously reducing VOC emissions to an acceptable level. The variable which would yield the best indication of system operation is VOC concentration at the processor outlet. Extremely accurate measurements would not be required since the purpose of the monitoring would not be to determine the exact outlet emissions but rather to indicate operational and maintenance practices regarding the vapor processor. Monitors for this type of continuous VOC measurement typically cost about \$6,000. To achieve representative VOC concentration measurements at the processor outlet, the concentration monitoring device should be installed in the exhaust vent at least two equivalent stack diameters from the exit point, and protected from any interferences due to wind, weather, or other processes.

For some vapor processing systems, monitoring of a process parameter may yield as accurate an indication of system operation as the exhaust VOC concentration. For example, temperature monitoring in the case of thermal oxidation or refrigeration systems may indicate proper operation and maintenance of these systems. Parameter monitoring equipment would typically cost about \$3,000. Because control system design is constantly changing and being upgraded in this

industry, all acceptable process parameters for all systems cannot be specified. In general, the regulation allows for substituting the monitoring of vapor processing system process parameters for monitoring of exhaust VOC concentration if it can be demonstrated to the Administator's satisfaction that the value of the process parameter is indicative of proper operation of the processing system and is related to the exhaust VOC content. Monitoring of these parameters would be approved by the Administrator on a case-by-case basis. Continuous monitoring systems which are a part of a vapor processor's design may substitute for the requirement to install a separate system, with the approval of the Administrator.

For any system installed to monitor operations, a recording device must also be installed so that a permanent time record of the measured parameter is produced.

EPA has not yet developed performance specifications for these monitors, but a program is underway to develop these specifications. Consequently, until EPA proposed and promulgated monitor performance specifications, owners and operators subject to the requirement to install a vapor processor continuous monitoring system will not be required to do so.

For purposes of excess emissions reports required under § 60.7(c), the period of time selected as the averaging time is a 6-hour clock period. This time interval was selected to coincide with the time interval specified in the performance test. The VOC concentration or parameter limit for the excess emissions report would be determined during the performance test. After EPA establishes and promulgates monitor performance specifications, the monitoring equipment must be operating during the performance test to establish the average VOC concentration or process parameter value. This average value from the monitoring device becomes the limit for the excess emissions report. The quarterly excess emissions report would indicate the amount of time during periods of vapor processing system operation that the average value of the VOC concentration or process parameter value exceeded the average value of the parameter established during the performance test. It is possible that each installation may have a different monitoring limit.

Impacts of Reporting Requirements

The proposed standards for bulk gasoline terminals would require the terminal operator to keep on file documentation that all gasoline delivery

tank trucks loading at the terminal had passed an annual vapor-tight test performed according to Method 27. The documentation would include the name of the tester, the test location and date. and the test results. These records would be kept on file at the terminal in a permanent form available for inspection. and would be updated at least once per year to reflect current information. The other type of report required under the proposed standards would be a summary report reflecting the findings on the monthly leak inspection. The preparation and filing of this report would represent only a modest increase in a bulk terminal's reporting requirements. These reports would be submitted quarterly with each report of excess emissions required under the General Provisions.

The General Provisions require three additional types of reports. First, there are notification requirements which would enable the Agency to keep abreast of facilities subject to the standards of performance. Second, there would be reporting of performance test results which would show that a facility is meeting the standards initially. Third, there would be quarterly reports of excess emissions which would be quarterly reports of excess emissions which would permit the Agency to determine whether the emission control system installed to comply with the standards is being properly operated and maintained.

The resources needed by the industry to maintain records and to collect. prepare, and use the reporting through the first five years after proposal of the standard would be about 26 man-years.

Public Hearing

A public hearing will be held to discuss the proposed standards in accordance with Section 307(d)(5) of the Clean Air Act. Persons wishing to make oral presentations should contact EPA at the address given in the ADDRESSES section of this preamble. Oral presentations will be limited to 15 minutes each. Any member of the public may file a written statement before, during, or within 30 days after the hearing. Written statements should be addressed to the Central Docket Section address given in the ADDRESSES section of this preamble.

A verbatim transcript of the hearing and written statements will be available for public inspection and copying during normal working hours at EPA's Central Docket Section in Washington, D.C. (see ADDRESSES section of this preamble).

Docket

The docket is an organized and complete file of all the information submitted to or otherwise considered in the development of this proposed rulemaking. The principal purposes of the docket are (1) to allow interested parties to readily identify and locate documents so that they can intelligently and effectively participate in the rulemaking process, and (2) to serve as the record in case of judicial review.

Miscellaneous

As prescribed by Section 111, establishment of standards of performance for bulk gasoline terminals was preceded by the Administrator's determination (40 CFR 60.16, 44 FR 49222, dated August 21, 1979) that these sources contribute significantly to air pollution which may reasonably be anticipated to endanger public health or welfare. In accordance with Section 117 of the Act, publication of this proposal was preceded by consultation with appropriate advisory committees, independent experts, and Federal departments and agencies. The Administrator will welcome comments on all aspects of the proposed regulation, including economic and technological issues, monitoring requirements, and proposed test methods.

It should be noted that standards of performance for new sources established under Section 111 of the Clean Air Act reflect:

* * * application of the best technological system of continuous emission reduction which (taking into consideration the cost of achieving such emission reduction, and any nonair quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated [Section 111(a)(1)].

Although there may be emission control technology available that can reduce emissions below those levels required to comply with standards of performance, this technology might not be selected as the basis of standards or performance due to costs associated with its use. Accordingly, standards of performance should not be viewed as the ultimate in achievable emission control. In fact, the Act requires (or has the potential for acquiring) the imposition of a more stringent emission standard in several situations.

For example, applicable costs do not necessarily play as prominent a role in determining the "lowest achievable emission rate" for new or modified sources locating in non-attainment areas; i.e., those areas where statutorilymandated health and welfare standards

are being violated. In this respect, Section 173 of the Act requires that new or modified sources constructed in an area where ambient pollutant concentrations exceed the National Ambient Air Quality Standards (NAAQS) must reduce emissions to the level that reflects the "lowest achievable emission rate" (LAER), as defined in Section 171(3), for such category of source. The statute defines LAER as that rate of emissions based on whichever of the following is more stringent:

(A) the most stringent emission limitation which is contained in the implementation plan of any State for such class of category of source, unless the owner or operator of the proposed source deomonstates that such limitations are not achievable, or

(B) the most stringent emission limitation which is achieved in practice by such class or category of source.

In no event may the emission rate exceed any applicable new source performance standard [Section 171(3)].

A similar situation may arise under the prevention of significant deterioration of air quality provisions of the Act (Part C). These provisions require that certain sources [referred to in Section 169(1)] employ "best available control technology" (BACT) as defined in Section 169(3) for all pollutants regulated under the Act. Best available control technology must be determined on a case-by-case basis. taking energy, environmental, and economic impacts and other costs into account. In no event may the application of BACT result in emissions of any pollutants which exceed the emissions allowed by any applicable standard established pursuant to Section 111 (or 112) of the Act.

In all events, State Implementation Plans (SIPs) approved or promulgated under Section 110 of the Act must provide for the attainment and maintenance of NAAQS designed to protect public health and welfare. For this purpose, SIPs may in some cases require greater emission reductions than those required by standards of performance for new sources.

Finally, States are free under Section 116 of the Act to establish even more stringent emission limits than those established under Section 111 or those necessary to attain or maintain the NAAQS under Section 110. Accordingly, new sources may in some cases be subject to limitations more stringent than standards of performance under Section 111, and prospective owners and operators of new sources should be aware of this possibility in planning for such facilities.

This regulation will be reviewed four years from the date of promulgation as required by the Clean Air Act. This review will include an assessment of such factors as the need for integration with other programs, the existence of alternative methods, enforceability, improvements in emission control technology, and reporting requirements. The reporting requirements in this regulation will be reviewed as required under EPA's sunset policy for reporting requirements in regulations.

Section 317 of the Clean Air Act requires the Administrator to prepare an economic impact assessment for any new source standard of performance promulgated under Section 111(b) of the Act. An economic impact assessment was prepared for the proposed regulations and for other regulatory alternatives. All aspects of the assessment were considered in the formulation of the proposed standards to ensure that the proposed standards would represent the best system of emission reduction considering costs. The economic impact assessment is included in the Background Information

Dated: December 8, 1980. Douglas M. Costle, Administrator.

It is proposed that 40 CFR Part 60 be amended as follows:

By adding a new subpart as follows:

Subpart XX—Standards of Performance for **Bulk Gasoline Terminals**

60.500 Applicability and designation of affected facility.

60.501 Defintions.

Standards for volatile organic compound emissions from bulk gasoline terminals.

Test methods and procedures. 60.503

Monitoring of operations. 60.504

60.505 Recordkeeping.

Authority: Sections 111 and 301(a) of the Clean Air Act, as amended, [42 U.S.C. 7411, 7601(a)), and additional authority as noted below.

Subpart XX-Standards of Performance for Bulk Gasoline **Terminals**

§ 60.500 Applicability and designation of affected facility.

(a) The affected facility to which the provisions of this subpart apply is the total of all the loading racks at a bulk gasoline terminal which deliver liquid product into gasoline tank trucks.

(b) Each facility under paragraph (a) of this section that commences construction or modification after (date of publication in Federal Register is subject to the provisions of this

subpart.

(c) The provisions of § 60.504 will not apply until EPA has established and promulgated performance specifications for the monitoring devices. After the promulgation of performance specifications, these provisions will apply to each affected facility under paragraph (b) of this section.

§ 60.501 Definitions.

The terms used in this subpart are defined in the Clean Air Act, in § 60.2 of this part, or in this section as follows:

'Bulk gasoline terminal" means any wholesale gasoline outlet which receives gasoline by pipeline, ship, or

"Continuous vapor processing system" means a VOC vapor processing system that treats VOC vapors collected from gasoline tank trucks on a demand basis without intermediate accumulation in a vapor holder.

"Gasoline" means any petroleum distillate or petroleum distillate/alcohol blend having a Reid vapor pressure of 27.6 kilopascals or greater which is used as a fuel for internal combustion

"Gasoline tank truck" means a delivery tank truck used at bulk gasoline terminals which is loading gasoline or which has loaded gasoline on the immediately previous load.

"Intermittent vapor processing system" means a VOC vapor processing system that employs an intermediate vapor holder to accumulate the collected vapors from gasoline tank trucks, and treats the accumulated vapors only during automatically controlled cycles.

"Loading rack" means the loading arms, pumps, meters, shutoff valves, relief valves, check valves, electrical grounding, and lighting necessary to fill

delivery tank trucks.

"Vapor collection system" means any equipment used for containing VOC vapors displaced during the loading of gasoline tank trucks.

"Vapor processing system" means any equipment used for recovering or

oxidizing VOC vapors.

"Vapor-tight gasoline tank truck" means a gasoline tank truck which has demonstrated within the 12 preceding months that its product delivery tank will sustain a pressure change of not more than 750 pascals (75 mm of water) within 5 minutes after it is pressurized to 4,500 pascals (450 mm of water). This capability is to be demonstrated using the pressure test procedure specified in Reference Method 27.

"Volatile organic compound (VOC)" means any organic compound which participates in atmospheric

photochemical reactions; or which is measured by Reference Methods 25A. 25B, and 21.

§ 60.502 Standard for Volatile Organic Compound (VOC) emissions from bulk gasoline terminals.

On and after the date on which the performance test required under by § 60.8 is completed, the owner or operator of a bulk gasoline terminal containing an affected facility shall comply with the requirements of this section.

(a) Each loading rack which loads gasoline tank trucks shall be equipped with a vapor collection system designed to collect the VOC vapors displaced from tank truck vapor collection systems

during loading

(b) The bulk gasoline terminal's vapor collection system shall be designed to prevent any VOC vapors collected at one loading rack from passing to

another loading rack.

(c) The emissions to the atmosphere from the bulk gasoline terminal's vapor collection system due to the loading of liquid product into gasoline tank trucks are not to exceed 35 milligrams of VOC per liter of gasoline loaded.

(d) Loadings of liquid product into gasoline tank trucks shall be restricted to vapor-tight gasoline tank trucks only.

(e) Loadings of liquid product into gasoline tank trucks shall be restricted to those equipped with vapor recovery equipment that is compatible with the bulk gasoline terminal's vapor collection

(f) The bulk gasoline terminal's and the tank truck's vapor collection systems shall be connected during each loading of a gasoline tank truck.

(g) The vapor collection and liquid loading equipment shall be designed and operated to prevent gauge pressure in the delivery tank from exceeding 4,500 pascals (450 mm of water). This level is not to be exceeded when measured by the procedures specified in § 60.503(b).

(h) No pressure-vacuum vent in the bulk gasoline terminal's vapor collection system shall begin to open at a system pressure less than 4,500 pascals (450 mm

of water).

(i) Each calendar month, the vapor collection system, the vapor processing system, and each loading rack handling gasoline shall be visually inspected during the loading of gasoline tank trucks for liquid or vapor VOC leaks. Each detection of a leak shall be recorded and the source of the leak repaired within 15 calendar days after it is detected. A summary of each set of three consecutive inspection records shall be submitted with the next quarterly report required under § 60.7(c). § 60.503 Test methods and procedures.

(a) For the performance tests, § 60.8(f)

does not apply.

(b) For the purpose of determining compliance with the pressure regulation of § 60.502(g), the following procedures shall be used:

(1) Calibrate and install a liquid manometer, or equivalent, capable of measuring up to 500 mm of water gauge pressure with ±2.5 mm of water

precision.

(2) Connect the manometer to a pressure tap in the terminal's vapor collection system, located as close as possible to the connection with the delivery tank.

(3) During the performance test, read and record the pressure every 5 minutes while a delivery tank is being loaded.

- (c) For the purpose of determining compliance with the VOC mass emission limitation of § 60.502(c), the following reference methods shall be
- (1) For the determination of volume at the exhaust vent:
- (i) Method 2B for combustion vapor processing systems.

(ii) Method 2A for all other vapor processing systems.

(2) For the determination of VOC concentration at the exhaust vent. Method 25A or 25B. The calibration gas

shall be either propane or butane. (d) Immediately prior to a performance test required for determination of compliance with § 60.502(c) and (g), all potential sources of vapor leakage in the terminal's vapor collection system equipment shall be monitored for leaks using Method 21. A reading of greater than or equal to 10,000 ppmv as methane shall be considered a leak. All leaks shall be repaired prior to

(e) The test procedure for determining compliance with § 60.502(c) and (g) is as

conducting the performance test.

(1) The time period for a performance test shall be as follows:

(i) For continuous vapor processing systems, not less than 6 hours, during which at least 300,000 liters of gasoline are loaded.

(ii) For intermittent vapor processing systems, not less than 6 hours, during which at least 300,000 liters of gasoline are loaded and at least two full cycles of operation of the vapor processing system occur. The end of the performance test shall coincide with the end of a cycle of operation.

(2) All testing equipment shall be prepared and installed as specified in

the appropriate test methods.

(3) For intermittent vapor processing systems, the system shall be manually started and allowed to process vapors

already in the vapor holder until the lower automatic cutoff is reached. This should be done immediately prior to the

beginning of testing.

(4) An emission testing interval during the performance test shall consist of each 5 minute period or increment thereof, while the vapor processing system is operating; and each 15 minute period or increment thereof, while the vapor processing system is not operating.

(5) For each testing interval:

(i) The reading from each measurement instrument shall be recorded, and

(ii) The volume exhausted and the average VOC concentration in the exhaust vent, as specified in the appropriate test method, shall be

determined.

(6) The volume of gasoline dispensed during the performance test period at all loading racks whose vapor emissions are controlled by the processing system being tested shall be determined. This may be determined from terminal records or from gasoline dispensing meters at each loading rack.

(7) The mass emitted for each testing interval shall be calculated as follows:

 $M_e = 10^{-6} \, \text{K V}_{es} \, \text{C}_e$

where:

M_e=mass of VOC emitted at the exhaust vent, mg.

V_{es}=volume of air-vapor mixture exhausted, m³ at standard conditions.

C_e=VOC concentration (as measured) at the exhaust vent, ppmv.

K=density of calibration gas, mg/m³, at standard conditions

= 1.83×10^6 for propane = 2.41×10^6 for butane.

s = standard conditions, 20°C and 760

mm Hg.

(8) The VOC emissions shall be calculated as follows:

$$E = \frac{\sum_{i=1}^{n} M_{ei}}{1}$$

where

E=mass of VOC emitted per volume of gasoline loaded, mg/l.
L=total volume of gasoline loaded, l.

L=total volume of gasoline loaded, I M_{ci}=mass of VOC emitted for each testing interval i, mg,

n = number of testing intervals.

(f) The owner or operator may adjust the emission results to exclude the methane and ethane content in the exhaust vent by any method approved by the Administrator.

(Sec. 114 of the Clean Air Act as amended (42 U.S.C. 7414))

§ 60.504 Monitoring of operations.

(a) The owner or operator of each affected facility shall install, calibrate, operate, and maintain a monitoring system to continuously measure the VOC concentration of the exhaust vent stream of the vapor processing system to determine the proper operation of each system.

(b) Upon application to the Administrator, monitoring of a vapor processing system process parameter may be substituted for the measurement of the exhaust vent VOC content, if it can be demonstrated to the Administrator's satisfaction that the value of the process parameter is indicative of proper operation of the system and is related to the exhaust vent VOC content. Monitoring of process parameters must be approved on a case-by-case basis by the Administrator.

(c) Each monitoring device shall be installed, calibrated, operated, and maintained according to accepted practices and the manufacturer's specifications.

(d) The VOC concentration monitoring device shall be installed in a location that is representative of the VOC concentration in the exhaust vent, at least two equivalent stack diameters from the exhaust point, and protected from any interferences due to wind, weather, or other processes.

(e) Each monitoring device shall be equipped with a recording device so that a permanent time record of the measured process parameter is

produced.

(f) The exhaust vent VOC concentration or approved process parameter shall be continuously measured and recorded during the performance test required under § 60.8.

(g) For the purposes of reports required under § 60.7(c), periods of excess emissions are defined as any 6-hour clock periods during which the average value of the exhaust vent VOC concentration or measured process parameter, during periods of vapor processing system operation, differs from the average value measured during the performance test required under § 60.8.

(h) The owner or operator of each affected facility shall install and operate all monitoring equipment before conducting the performance test required under § 60.8.

(Sec. 114 of the Clean Air Act as amended (42 U.S.C. 7414))

§ 60.505 Recordkeeping.

(a) The owner or operator of each bulk gasoline terminal containing an affected facility shall keep on file documentation that each gasoline tank truck loading at that terminal is a vaportight gasoline tank truck. This documentation shall be kept on file at the terminal in a permanent form available for inspection.

(b) The documentation file for each gasoline tank truck shall be updated at least once per year to reflect current test results as determined by Method 27. This documentation shall include, as a minimum, the following information:

(1) Test Short Title: Gasoline Delivery Tank Pressure Test—EPA Test Method

(2) Tank Owner and Address.

(3) Tank ID Number.

(4) Testing Location.(5) Date of Test.

(6) Tester Name and Signature.

(7) Witnessing Inspector, if any: Name, Signature, and Affiliation.

(8) Test Results: Actual Pressure Change in 5 minutes, mm of water (average for 2 runs).

(c) The owner or operator of each bulk gasoline terminal containing an affected facility shall keep on file at the terminal a record of each monthly leak inspection required under § 60.502(i). Inspection records shall include, as a minimum, the following information:

(1) Date of Inspection.

(2) Findings (may indicate no leaks discovered; or location, nature, and severity of each leak).

(3) Corrective Action (date each leak repaired; reasons for any repair interval in excess of 15 days).

(4) Inspector Name and Signature.

(Sec. 114 of the Clean Air Act as amended (42 U.S.C. 7414))

2. By adding five new Reference Methods (Method 2A, Method 2B, Method 25A, Method 25B, and Method 27) to Appendix A as follows:

Appendix A—Reference Methods

Method 2A. Direct Measurement of Gas Volume Through Pipes and Small Ducts

1. Applicability and Principle

1.1 Applicability. This method applies to the measurement of gas flow rates in pipes and small ducts, either in-line or at exhaust positions, within the temperature range of 0 to 50°C

1.2 Principle. A gas volume meter is used to directly measure gas volume. Temperature

and pressure measurements are made to correct the volume to standard conditions.

2. Apparatus

Specifications for the apparatus are given below. Any other apparatus that has been demonstrated (subject to approval of the Administrator) to be capable of meeting the specifications will be considered acceptable.

2.1 Gas Volume Meter. A positive displacement meter, turbine meter, or other direct volume measuring device capable of measuring volume to within 2 percent, the meter shall be equipped with a temperature gauge (±2 percent of the minimum absolute temperature) and a pressure gauge (±2.5 mm Hg). The manufacturer's recommended capacity of the meter shall be sufficient for the expected maximum and minimum flow rates at the sampling conditions. Temperature, pressure, corrosive characteristics, and pipe size are factors necessary to consider in choosing a suitable gas meter.

2.2 Barometer. A mercury, aneroid, or other barometer capable of measuring atmospheric pressure to within 2.5 mm Hg. In many cases, the barometric reading may be obtained from a nearby national weather service station, in which case the station value (which is the absolute barometric pressure) shall be requested, and an adjustment for elevation differences between the weather station and the sampling point shall be applied at a rate of minus 2.5 mm Hg per 30-meter elevation increase, or vice-versa for elevation decrease.

2.3 Stopwatch. Capable of measurement to within 1 second.

3. Procedure

3.1 Installation. As there are numerous types of pipes and small ducts that may be subject to volume measurement, it would be difficult to describe all possible installation schemes. In general, flange fittings should be used for all connections wherever possible. Gaskets or other seal materials should be used to assure leak-tight connections. The volume meter should be located so as to avoid severe vibrations and other factors that may affect the meter calibration.

3.2 Leak Test. A volume meter installed at a location under positive pressure may be leak-checked at the meter connections by using a liquid leak detector solution containing a surfactant. Apply a small amount of the solution to the connections. If a leak exists, bubbles will form, and the leak

must be corrected.

A volume meter installed at a location under negative pressure is very difficult to test for leaks without blocking flow at the inlet of the line and watching for meter movement. If this procedure is not possible, visually check all connections and assure tight seals.

3.3 Volume Measurement.
3.3.1 For sources with continuous, steady emission flow rates, record the initial meter volume reading, meter temperature(s), meter pressure, and start the stopwatch. Throughout the test period, record the meter temperature(s) and pressure so that average values can be determined. At the end of the test, stop the timer and record the elapsed time, the final volume reading, meter

temperature(s), and pressure. Record the barometric pressure at the beginning and end of the test run. Record the data on a table similar to Figure 2A-1.

3.3.2 For sources with noncontinuous. non-steady emission flow rates, use the procedure in 3.3.1 with the addition of the following. Record all the meter parameters and the start and stop times corresponding to each process cyclical or noncontinuous event.

4. Calibration

4.1 Volume Meter. The volume meter is calibrated against a standard reference meter prior to its initial use in the field. The reference meter is a spirometer or liquid displacement meter with a capacity consistent with that of the test meter. Alternative references may be used upon approval of the Administrator.

Set up the test meter in a configuration similar to that used in the field installation (i.e., in relation to the flow moving device). Connect the temperature and pressure gauges as they are to be used in the field. Connect the reference meter at the inlet of the flow line, if appropriate for the meter, and begin gas flow through the system to condition the meters. During this conditioning operation, check the system for leaks.

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Figure 2A-1. Volume flow rate measurement data.

and final volume reading, meter average

pressure, and run time. Repeat the runs at

Calculate the test meter calibration

coefficient, Ym. for each run as follows:

temperature and pressure, barometric

each flow rate at least three times.

The calibration shall be run over at least three different flow rates. The calibration flow rates shall be about 0.3, 0.6, and 0.9 times the meter's rated maximum flow rate.

For each calibration run, the data to be collected include: reference meter initial and final volume readings, the test meter initial

$$Y_{m} = \frac{(V_{rf} - V_{ri})(t_{r} + 273)}{(V_{mf} - V_{mi})(t_{m} + 273)} \frac{P_{b}}{(P_{b} + P_{a})}$$
 Eq. 2A-1

Where:

Ym=Test volume meter calibration coefficient, dimensionless.

V_r=Reference meter volume reading, m³.

V_m = Test meter volume reading, m3. t,-Reference meter average temperature, °C.

t_m=Test meter average temperature, °C. Ph=Barometric pressure, mm Hg.

Pe=Test meter average static pressure, mm

f=Final reading for run.

i=Initial reading for run.

Compare the three Ym values at each of the flow rates tested and determine the maximum and minimum values. The difference between the maximum and minimum values at each flow rate should be no greater than 0.030. Extra runs may be required to complete this requirement. If this specification cannot be met in six successive runs, the test meter is not suitable for use. In addition, the meter coefficients should be between 0.95 and 1.05. If these specifications are met at all the flow rates, average all the Ym values for an average meter calibration coefficient, Ym.

The procedure above shall be performed at least once for each volume meter. Therefore, an abbreviated calibration check shall be completed after each field test. The calibration of the volume meter shall be checked by performing three calibration runs at a single, intermediate flow rate (based on the previous field test) with the meter pressure set at the average value encountered in the field test. Calculate the average value of the calibration factor. If the calibration has changed by more than 5 percent, recalibrate the meter over the full range of flow as described above. Note: If the volume meter calibration coefficient values obtained before

and after a test series differ by more than 5 percent, the test series shall either be voided. or calculations for the test series shall be performed using whichever meter coefficient value (i.e., before or after) gives the greater value of pollutant emission rate.

4.2 Temperature Gauge. After each test series, check the temperature gauge at ambient temperature. Use an ASTM mercuryin-glass reference thermometer, or equivalent, as a reference. If the gauge being checked agrees within 2 percent (absolute temperature) of the reference, the temperature data collected in the field shall be considered valid. Otherwise, the test data shall be considered invalid or adjustments of the test results shall be made, subject to the approval of the Administrator.

4.3 Barometer. Calibrate the barometer used against a mercury barometer prior to the field test.

5. Calculations

Carry out the calculations, retaining at least one extra decimal figure beyond that of the acquired data. Round off figures after the final calculation.

5.1 Nomenclature.

P_b=Barometric pressure, mm Hg.

Ps = Average static pressure in volume meter, mm Hg.

Qs = Gas flow rate, m3/min, standard conditions.

T_m=Average absolute meter temperature, °K.

 V_m =Meter volume reading, m³. Y_m =Meter calibration coefficient, dimensionless.

f=Final reading for run.

i = Initial reading for run.

s=Standard conditions, 20° C and 760 mm

Hg.

0=Elapsed run time, min.

6. References

- 6.1 United States Environmental Protection Agency. Standards of Performance for New Stationary Sources, Revisions to Methods 1-8. Title 40, part 60. Washington, D.C. Federal Register Vol. 42, No. 160. August
- 6.2 Rom, Jerome J. Maintenance, Calibration, and Operation of Isokinetic Source Sampling Equipment, U.S. Environmental Protection Agency. Research Triangle Park, N.C. Publication No. APTD-0576. March 1972.

6.3 Wortman, Martin, R. Vollaro, and P. R. Westlin, Dry Gas Volume Meter Calibrations, Source Evaluation Society Newsletter. Vol. 2,

6.4 Westlin, P. R. and R. T. Shigehara. Procedure for Calibrating and Using Dry Gas Volume Meters as Calibration Standards. Source Evaluation Society Newsletter. Vol. 3, No. 1. February 1978.

Method 2B-Determination of Exhaust Gas Volume Flow Rate From Gasoline Vapor Incinerators

1. Applicability and Principle

1.1 Applicability. This method applies to the measurement of exhaust volume flow rate from incinerators that process gasoline vapors consisting of generally non-methane alkanes, alkenes, and/or arenes faromatic hydrocarbons). It is assumed that the amount of auxiliary fuel is negligible.

1.2 Principle. The incinerator exhaust flow rate is determined by carbon balance. Organic carbon concentration and volume flow rate are measured at the incinerator inlet. Organic carbon, carbon dioxide (CO2), and carbon monoxide (CO) concentrations are measured at the outlet. Then the ratio of total carbon at the incenerator inlet and outlet is multiplied by the inlet volume to determine the exhaust volume and volume flow rate.

2. Apparatus

2.1 Volume Meter. Equipment described in Method 2A.

5.2 Volume.

$$V_{ms} = 0.3853 \, \overline{Y}_{m} \, (V_{mf} - V_{mi}) \, (\frac{P_{b} + P_{q}}{T_{m}})$$
 Eq. 2A-2

5.3 Gas Flow Rate.

$$Q_s = \frac{V_{ms}}{A}$$

2.2 Organic Analyzers (2). Equipment described in Method 25A or 25B.

2.3 CO Analyzer. Equipment described in Method 10.

2.4 CO2 Analyzer. A nondispersive infrared (NDIR) CO2 analyzer and supporting equipment described in Method 10.

3. Procedure

3.1 Inlet Installation. Install a volume meter in the vapor line to incinerator inlet according to the procedure in Method 2A. At the volume meter inlet, install a sample probe as described in Method 25A. Alternatively, a single opening probe may be used so that a gas sample is collected from the centrally located 10 percent area of the vapor line cross-section. Connect to the probe a leaktight, heated (if necessary to prevent condensation) sample line (stainless steel or equivalent) and an organic analyzer system as described in Method 25A or 25B.

3.2 Exhaust Installation. Three analyzers are required for the incinerator exhaust-CO2, CO, and organic. A sample manifold with a single sample probe may be used. Install a sample probe as described Method 25A or, alternatively, a single opening probe positioned so that a gas sample is collected from the centrally located 10 percent area of the stack cross-section. Connect a leak-tight heated sample line to the sample probe. Heat the sample line sufficiently to prevent any condensation.

3.3 Recording Requirements. The output of each analyzer must be permanently recorded on an analog strip chart, digital recorder, or other recording device. The chart speed or number of readings per time unit must be similar for all analyzers so that data can be correlated. The minimum data recording requirement for each analyzer is one measurement value per minute during the incinerator test period.

3.4 Preparation. Prepare and calibrate all equipment and analyzers according to the procedures in the respective methods. All calibration gases must be introduced at the connection between the probe and the sample line. If a manifold system is used for the exhaust analyzers, all the analyzers and sample pumps must be operating when the calibrations are done. Note: For the purposes of this test, methane should not be used as an organic calibration gas.

3.5 Sampling. At the beginning of the test period, record the initial parameters for the inlet volume meter according to the procedures in Method 2A and mark all of the recorder strip charts to indicate the start of the test. Continue recording inlet organic and exhaust CO2, CO, and organic concentrations throughout the test. During periods of process interruption and halting of gas flow, stop the timer and mark the recorder strip charts so that data from this interruption are not included in the calculations. At the end of the test period, record the final parameters for the inlet volume meter and mark the end on all of the recorder strip charts.

3.6 Post Test Calibrations. At the conclusion of the sampling period, introduce the calibration gases as specified in the respective reference methods. If analyzer output does not meet the specifications of the method, invalidate the test data for that period. Alternatively, calculate the volume results using initial calibration data and using final calibration data and report both resulting volumes. Then, for emissions calculations, use the volume measurement resulting in the greatest emission rate concentration.

4. Calculations

Carry out the calculations, retaining at least one extra decimal figure beyond that of the acquired data. Round off figures after the final calculation.

4.1 Nomenclature

CO_e-Mean carbon monoxide concentration in system exhaust, ppmv.

CO2.-Mean carbon dioxide concentration in system exhaust, ppmv.

HC.-Mean organic concentration in system exhaust as defined by the calibration gas, ppmv.

HCi-Mean organic concentration in system inlet as defined by the calibration gas,

Calibration gas factor=2 for ethane calibration gas.

=3 for propane calibration gas. =4 for butane calibration gas.

Ves-Exhaust gas volume, m3. Vis-Inlet gas volume, m3.

Qes-Exhaust gas volume flow rate, m3/min. -Inlet gas volume flow rate, m3/min. θ-Sample run time, min.

s-Standard Conditions: 20°C, 760 mm Hg. 300-Estimated concentration of ambient CO2, ppmv. (CO2 concentration in the

ambient air may be measured during the test period using an NDIR and the mean value substituted into the equation.)

4.2 Concentrations. Determine mean concentrations of inlet organics, outlet CO2. CO, and outlet organics according to the procedures in the respective methods and the analyzers' calibration curves, and for the time intervals specified in the applicable regulations. Concentrations should be determined on a parts per million by volume (ppmv) basis.

4.3 Exhaust Gas Volume. Calculate the

exhaust gas volume as follows:

$$V_{es} = V_{is} \frac{K(HC_i)}{K(HC_e) + CO_{2e} + CO_{e} - 300}$$
 Eq. 28-1

4.4 Exhaust Gas Volume Flow Rate. Calculate the exhaust gas volume flow rate as follows:

$$Q_{es} = \frac{V_{es}}{\Theta}$$

Eq. 2B-2

5. References

5.1 Measurement of Volatile Organic Compounds. U.S. Environmental Protection Agency. Office of Air Quality Planning and Standards. Research Triangle Park, N.C. 27711. Publication No. EPA-450/2-78-041. October 1978. p. 55.

5.2 Method 10-Determination of Carbon Monoxide Emissions from Stationary Sources, U.S. Environmental Protection Agency. Code of Federal Regulations. Title 40, Chapter 1, part 60, Appendix A. Washington, D.C. Office of the Federal Register. March 8, 1974.

5.3 Method 2A-Determination of Gas Flow Rate in Pipes and Small Ducts. Tentative Method. U.S. Environmental

Protection Agency. Office of Air Quality Planning and Standards. Research Triangle Park, N.C. 27711. March 1980.

5.4 25A-Determination of Total Gaseous Organic Compounds Using a Flame Ionization Analyzer. Tentative Method. U.S. Environmental Protection Agency. Office of Air Quality Planning and Standards. Research Triangle Park, N.C. 27711. March 1980.

5.5 Method 25B—Determination of Total Gaseous Organic Compounds Using a Nondispersive Infrared Analyzer. Tentative Method. U.S. Environmental Protection Agency. Office of Air Quality Planning and Standards. Research Triangle Park, N.C. 27711. March 1980.

Method 25A—Determination of Total Gaseous Organic Concentration Using a Flame Ionization Analyzer

1. Applicability and Principle

1.1 Applicability. This method applies to the measurement of total gaseous organic concentration of vapors consisting of nonmethane alkanes, alkenes, and/or arenes (aromatic hydrocarbons). The concentration is expressed in terms of propane (or other appropriate organic compound) or in terms of organic carbon.

1.2 Principle. A gas sample is extracted from the source, through a heated sample line, if necessary, and glass fiber filter to a flame ionization analyzer (FIA). Results are reported as concentration equivalents of the calibration gas organic constituent, carbon, or

other organic compound.

2. Definitions

2.1 Measurement System. The total equipment required for the determination of the gas concentration. The system consists of

the following major subystems:

- 2.1.1 Sample Interface. That portion of the system that is used for one or more of the following: sample acquisition, sample transportation, sample conditioning, or protection of the analyzer from the effects of the stack effluent.
- 2.1.2 Organic Analyzer. That portion of the system that senses organic concentration and generates an output proportional to the gas concentration.
- 2.2 Span Value. The upper limit of a gas concentration measurement range that is specified for affected source categories in the applicable part of the regulations. For convenience, the span value should correspond to 100 percent of the recorder scale.
- 2.3 Calibration Gas. A known concentration of a gas in an appropriate diluent gas.
- 2.4 Zero Drift. The difference in the measurement system output readings before and after a stated period of operation during which no unscheduled maintenance, repair, or adjustment took place and the input concentration at the time of the measurements were zero.
- 2.5 Calibration Drift. The difference in the measurement system output readings before and after a stated period of operation during which no unscheduled maintenance, repair, or adjustment took place and the input concentration at the time of the measurements was a mid-level value.

3. Apparatus

A schematic of an acceptable measurement system is known in Figure 25A-1. The essential components of the measurement system are described below:

- 3.1 Organic Concentration Analyzer. A flame ionization analyzer (FIA) capable of meeting or exceeding the specifications in this method.
- 3.2 Sample Probe. Stainless steel, or equivalent, three-hole rake type. Sample holes shall be 4 mm in diameter or smaller and located at 16.7, 50, and 83.3 percent of the equivalent stack diameter.

- 3.3 Sample Line. Stainless steel or Teflon ¹ tubing to transport the sample gas to the analyzers. The sample line should be heated, if necessary, to prevent condensation in the line.
- 3.4 Calibration Valve Assembly. A threeway valve assembly to direct the zero and calibration gases to the analyzers is recommended. Other methods, such as quickconnect lines, to route calibration gas to the analyzers are applicable.

3.5 Particulate Filter. An in-stack or an out-of-stack glass fiber filter is recommended if exhaust gas particulate loading is significant. An out-of-stack filter should be heated to prevent any condensation.

3.6 Recorder. A strip-chart recorder, analog computer, or digital recorder for recording measurement data. The minimum data recording requirement is one measurement value per minute. Note: This method is often applied in highly explosive areas. Caution and care should be exercised in choice of equipment and installation.

4. Calibration and Other Gases

Gases used for calibrations, fuel, and combustion air (if required) are contained in compressed gas cylinders of stainless steel or aluminum. Preparation of calibration gases shall be done according to the procedure in Protocol No. 1, listed in Reference 9.2. The pressure in the gas cylinders is limited by the critical pressure of the subject organic component. As a safety factor, the maximum pressure in the cylinder should be no more than half the critical pressure. Additionally, the manufacturer of the cylinder should provide a recommended shelf life for each calibration gas cylinder over which the concentration does not change more than ±2 percent from the certified value.

Calibration gas usually consists of propane in air or nitrogen and is determined in terms of the span value. The span value is established in the applicable regulation and is usually 1.5 to 2.5 times the applicable emission limit. If no span value is provided, use a span value equivalent to 1.5 to 2.5 times the highest expected concentration. Organic compounds other than propane can be used following the above guidelines and making the appropriate corrections for carbon

number.

4.1 Fuel. A 40 percent H₂/60 percent He or 40 percent H₂/60 percent N₂ gas mixture is recommended to avoid an oxygen synergism effect that reportedly occurs when oxygen concentration varies significantly from a mean value.

4.2 Zero Gas. High purity air with less than 0.1 parts per million by volume of organic material (propane or carbon equivalent).

4.3 Low-level Calibration Gas. An organic calibration gas with a concentration equivalent to 25 to 35 percent of the applicable span value.

4.4 Mid-level Calibration Gas, An organic calibration gas with a concentration equivalent to 45 to 55 percent of the applicable span value.

¹Mention of trade names on specific products does not constitute endorsement by the Environmental Protection Agency.

- 4.5 High-level Calibration Gas. An organic calibration gas with a concentration equivalent to 80 to 90 percent of the applicable span value.
- 5. Measurement System Performance Specifications
- 5.1 Zero Drift. Less than \pm 1 percent of the span value.
- 5.2 Calibration Drift, Less than \pm 1 percent of the span value.

6. Pretest Preparations

6.1 Selection of Sampling Site. The location of the sampling site is generally specified by the applicable regulation or purpose of the test; i.e., exhaust stack, inlet line, etc. The sample port shall not be located within 1.5 meters or 2 equivalent diameters (whichever is less) of the gas discharge to the atmosphere.

6.2 Location of Sample Probe. Install the sample probe so that the probe is centrally located in the stack, pipe, or duct and is sealed tightly at the stack port connection.

6.3 Measurement System Preparation.
Prior to the emission test, assemble the
measurement system following the
manufacturer's written instructions in
preparing the sample interface and the
organic analyzer. Make the system operable.

FIA equipment can be calibrated for almost any range of total organics concentrations. For high concentrations of organics {>1.0 percent by volume as propane} modifications to most commonly available analyzers are necessary. One accepted method of equipment modification is to decrease the size of the sample to the analyzer through the use of a smaller diameter sample capillary. Direct and continuous measurement of organic concentration is a necessary consideration when determining any modification design.

6.4 Calibration. Immediately prior to the test series, introduce zero gas and high-level calibration gas at the calibration valve assembly. Adjust the analyzer output to the appropriate levels, if necessary. Then introduce low-level and mid-level calibration gases successively to the measurement system. Record the analyzer responses for all four gases and develop a permanent record of the calibration curve. This curve shall be used in performing the post-test drift checks and in reducing all measurement data during the test series. No adjustments to the measurement system shall be conducted after the calibration and before the drift check (Section 7.3). If adjustments are necessary before the completion of the test series, perform the drift checks prior to the required adjustments and repeat the calibration following the adjustments. If multiple electronic ranges are to be used, each additional range must be checked with a midlevel calibration gas to verify the multiplication factor.

7. Emission Measurement Test Procedure

7.1 Organic Measurement. Begin sampling at the start of the test period, recording time notations and any required process information as appropriate. In particular, note on the recording chart periods of process interruption or cyclic operation.

7.2 Drift Determination. Immediately following the completion of the test period, or

if adjustments are necessary for the measurement system during the test, reintroduce the zero and mid-level calibration gases, one at a time, to the measurement system at the calibration valve assembly. (Make no adjustments to the measurement system until after the drift checks are made.) Record the analyzer response. If the drift values exceed the specified limits, invalidate the test run preceding the check and repeat the test run following corrections to the measurement system. Alternatively, recalibrate the test measurement system as in Section 6.4 and report the results using the calibration data that yield the highest corrected emission concentration.

B. Organic Concentration Calculations

Determine the average organic concentration in terms of ppmv as propane or other calibration gas. The average shall be determined by the integration of the output recording over the period specified in the applicable regulation.

If results are required in terms of ppmv as carbon, adjust measured concentrations using

Equation 25A-1.

Cc = KC meas Eq. 25A-1

Where:

Ce = Organic concentration as carbon, ppmv. Cmeas = Organic concentration as measured, ppmv.

K = Carbon equivalent correction factor,

K = 2 for ethane.

K = 3 for propane.

K = 4 for butane.

9. References

9.1 Measurement of Volatile Organic Compounds—Guideline Series. U.S. Environmental Protection Agency. Research Triangle Park, N.C. Publication No. EPA-450/ 2-78-041. June 1978. p. 46-54.

9.2 Traceability Protocol for Establishing True Concentrations of Gases Used for Calibration and Audits of Continuous Source Emission Monitors (Protocol No. 1). U.S. Environmental Protection Agency, **Environmental Monitoring and Support** Laboratory. Research Triangle Park, N.C. June 1978. 10 pgs.

9.3 Gasoline Vapor Emission Laboratory Evaluation-Part 2. U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards. Research Triangle Park, N.C. Report No. 75-GAS-6. August

1975. 32 pgs.

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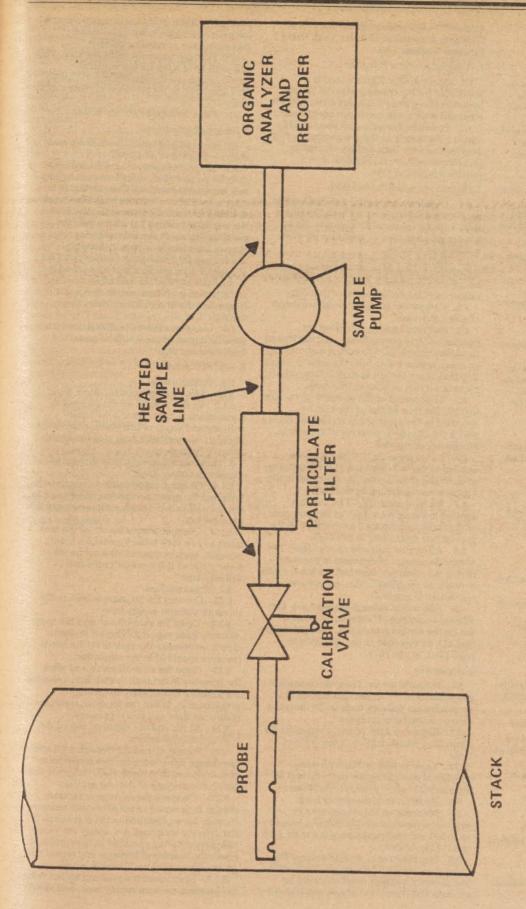


Figure 25A-1. Organic Concentration Measurement System.

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Method 25B—Determination of Total Gaseous Organic Concentration Using a Nondispersive Infrared Analyzer

1. Applicability and Principle

1.1 Applicability. This method applies to the measurement of Total gaseous organic concentration of vapors consisting primarily of nonmethane alkanes. (Other organic materials may be measured using the general procedure in this method, the appropriate calibration gas, and an analyzer set to the appropriate absorption band.) The concentration is expressed in terms of propane (or other calibration gas) or in terms of organic carbon.

1.2 Principle. A gas sample is extracted from the source, through a heated sample line and glass fiber filter to a nondispersive infrared analyzer (NDIR). Results are reported as equivalents of the calibration gas

or as carbon equivalents.

2. Definitions

The terms and definitions are the same as for Method 25A.

3. Apparatus

The apparatus are the same as for Method 25A with the exception of the following:

3.1 Organic Concentration Analyzer. A nondispersive infrared analyzer designed to measure alkane organics and capable of meeting or exceeding the specifications in this method.

4. Calibration Cases

The calibration gases are the same as are required for Method 25A, Section 4. No fuel gas is required for an NDIR.

- 5. Measurement System Performance Specifications
- 5.1 Zero Drift. Less than \pm 2 percent of the span value.
- 5.2 Calibration Drift. Less than \pm 2 percent of the span value.

6. Pretest Preparations

- 6.1 Selection of Sampling Site. Same as in Method 25A, Section 6.1.
- 6.2 Location of Sample Probe. Same as in Method 25A, Section 6.2.
- 6.3 Measurement System Preparation.
 Prior to the emission test, assemble the measurement system following the manufacturer's written instructions in preparing the sample interface and the organic analyzer. Make the system operable.

6.4 Calibration. Same as in Method 25A, Section 6.4.

7. Emission Measurement Test Procedure

Proceed with the emission measurement immediately upon satisfactory completion of the calibration.

- 7.1 Organic Measurement. Same as in Method 25A, Section 7.1.
- 7.2 Drift Determination. Same as in Method 25A, Section 7.2.
- 8. Organic Concentration Calculations

The calculations are the same as in Method 25A, Section 8.

9. References

The references are the same as in Method 25A, Section 9.

Method 27—Determination of Vapor Tightness of Gasoline Delivery Tank Using Pressure-Vacuum Test

1. Applicability and Principle

1.1 Applicability. This method is applicable for the determination of vapor tightness of a gasoline delivery tank which is equipped with vapor collection equipment.

1.2 Principle. Pressure and vacuum are applied alternately to the compartments of a gasoline delivery tank and the change in pressure or vacuum is recorded after a specified period of time.

2. Definitions and Nomenclature

2.1 Gasoline. Any petroleum distillate or petroleum distillate/alcohol blend having a Reid Vapor pressure of 27.6 kilopascals or greater which is used as a fuel for internal combustion engines.

2.2 Delivery tank. Any container, including associated pipes and fittings, that is attached to or forms a part of any truck or railcar used for the transport of gasoline.

2.3 Compartment. A liquid-tight division

of a delivery tank.

2.4 Delivery tank vapor collection equipment. Any piping, hoses, and devices on the delivery tank used to collect and route gasoline vapors either from the tank to a bulk terminal vapor control system or from a bulk plant or service station into the tank.

2.5 Time period of the pressure or vacuum test (t). The time period of the test, as specified in the appropriate regulation, during which the change in pressure of vacuum is

monitored, in minutes.

2.6 Initial pressure (P_i). The pressure applied to the delivery tank at the beginning of the static pressure test, as specified in the appropriate regulation, in mm H₂O.

2.7 Initial vacuum (V_i). The vacuum applied to the delivery tank at the beginning of the static vacuum test, as specified in the appropriate regulation, in mm H₂O.

2.8 Allowable pressure change (Δp). The allowable amount of decrease in pressure during the static pressure test, within the time period t, as specified in the appropriate regulation, in mm H₂O.

2.9 Allowable vacuum change (Δv). The allowable amount of increase in vacuum during the static vacuum test, within the time period t, as specified in the appropriate regulation, in mm H₂O.

3. Apparatus

3.1 Pressure source. Pump or compressed gas cylinder of air or inert gas sufficient to pressurize the delivery tank to 500 mm H₂O above atmospheric pressure.

3.2 Regulator. Low pressure regulator for controlling pressurization of the delivery

tank.

- 3.3 Vacuum source. Vacuum pump capable of evacuating the delivery tank to 250 mm H_2O below atmospheric pressure.
- 3.4 Pressure-vacuum supply hose.
 3.5 Manometer. Liquid manometer, or equivalent instrument, capable of measuring up to 500 mm H₂O gauge pressure with ±2.5

mm H₂O precision.

3.6 Pressure-vacuum relief valves. The test apparatus shall be equipped with an Inline pressure-vacuum relief valve set to activate at $675 \text{ mm H}_2\text{O}$ above atmospheric

pressure or 250 mm H₂O below atmospheric pressure, with a capacity equal to the pressurizing or evacuating pumps.

3.7 Test cap for vapor recovery hose. This cap shall have a tap for manometer connection and a fitting with shut-off valve for connection to the pressure-vacuum supply hose.

3.8 Caps for liquid delivery hoses.

4. Pretest Preparations

4.1 Emptying of tank. The delivery tank shall be emptied of all liquid.

4.2 Purging of vapor. The delivery tank shall be purged of all volatile vapors by any safe, acceptable method. One method is to carry a load of non-volatile liquid fuel, such as diesel or heating oil, immediately prior to the test, thus flushing out all the volatile gasoline vapors. A second method is to remove the volatile vapors by blowing ambient air into each tank campartment for at least 20 minutes. This second method is usually not as effective and often causes stabilization problems, requiring a much longer time for stabilization during the testing.

4.3 Location of test site. The delivery tank shall be tested where it will be protected

from direct sunlight.

5. Test Procedure

5.1 Preparations.5.1.1 Open and close each dome cover.

5.1.2 Connect static electrical ground connections to tank. Attach the liquid delivery and vapor return hoses, remove the liquid delivery elbows, and plug the liquid delivery fittings.

5.1.3 Attach the test cap to the end of the

vapor recovery hose.

5.1.4 Connect the pressure-vacuum supply hose and the pressure-vacuum relief valve to the shut-off valve. Attach a manometer to the pressure tap.

5.1.5 Connect compartments of the tank internally to each other if possible. If not possible, each compartment must be tested separately, as if it were an individual delivery tank.

5.2 Pressure Test.

5.21 Connect the pressure source to the pressure-vacuum supply hose.

5.2.2 Open the shut-off valve in the vapor

recovery hose cap. Applying air pressure slowly, pressurize the tank to P_i, the initial pressure specified in the regulation.

5.23 Close the shut-off valve and allow

5.23 Close the shut-off valve and allow the pressure in the tank to stabilize, adjusting the pressure if necessary to maintain pressure of P_i. When the pressure stabilizes, record the time and initial pressure.

5.24 At the end of t minutes, record the

time and final pressure.

5.25 Repeat steps 5.2.2 through 5.2.4 until the change in pressure for two consecutive runs agrees with $\pm 10 \text{mm H}_2\text{O}$. Calculate the arithmetic average of the two results.

5.2.6 Compare the average measured change in pressure to the allowable pressure change, Δp, as specified in the regulation. If the delivery tank does not satisfy the vapor tightness criterion specified in the regulation, repair the sources of leakage, and repeat the pressure test until the criterion is met.

5.2.7 Disconnect the pressure source from the pressure-vacuum supply hose, and slowly open the shut-off valve to bring the tank to atmospheric pressure.

5.3 Vacuum Test.
5.3.1 Connect the vacuum source to the pressure-vacuum supply hose.

5.3.2 Open the shut-off valve in the vapor recovery hose cap. Slowly evacuate the tank to V_i, the initial vacuum specified in the regulation.

5.3.3 Close the shut-off valve and allow the pressure in the tank to stabilize, adjusting the pressure if necessary to maintain a vacuum of V_i. When the pressure stabilizes, record the time and initial vacuum.

5.3.4 At the end of t minutes, record the time and final vacuum.

5.3.5 Repeat steps 5.3.2 through 5.3.4 until the change in vacuum for two consecutive runs agrees within ± 10 mm H₂O. Calculate the arithmetic average of the two results.

5.3.6 Compare the average measured change in vacuum to the allowable vacuum change, Δv , as specified in the regulation. If the delivery tank does not satisfy the vapor tightness criterion specified in the regulation, repair the sources of leakage, and repeat the vacuum test until the criterion is met.

5.3.7 Disconnect the vacuum source from the pressure-vacuum supply hose, and slowly open the shut-off valve to bring the tank to atmospheric pressure.

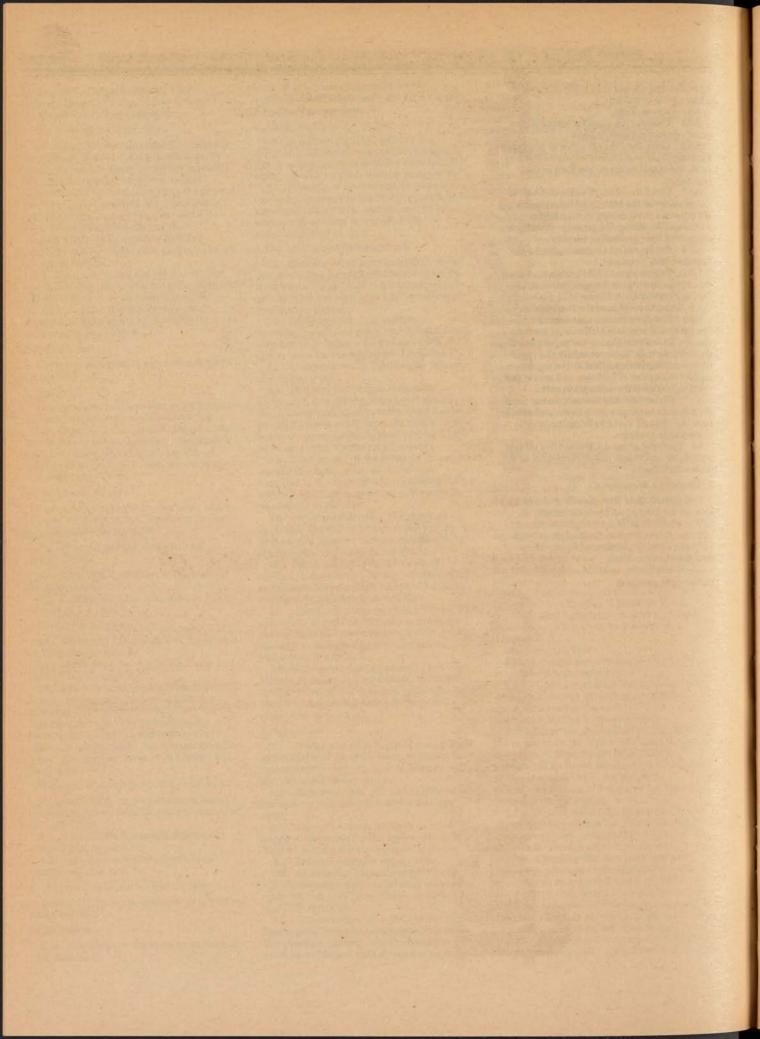
5.4 Post-test clean-up. Disconnect all test equipment and return the delivery tank to its pretest condition.

6. Alternative Procedures

Techniques other than specified above may be used for purging and pressurizing a delivery tank, if prior approval is obtained from the Administrator. Such approval will be based upon demonstrated equivalency with the above method.

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Wednesday December 17, 1980

Part IV

Department of Commerce

National Oceanic and Atmospheric Administration

Financial Assistance for Fisheries Development; Availability of Saltonstall-Kennedy Funds

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Financial Assistance for Fisheries Development; Availability of Saltonstall-Kennedy Funds

AGENCY: National Oceanic and Atmospheric Administration/ Department of Commerce.

ACTION: Saltonstall-Kennedy Funds.

Notice of availability/Instructions to the public.

SUMMARY: The National Marine Fisheries Service (NMFS) announces the availability of fiscal year 1981 funds to conduct activities that would foster the development of and strengthen the fishing industry of the United States (recreational and commercial) and increase the supply of wholesome, nutritious fish and fish products available to consumers. Proposals will be funded through grants and cooperative agreements. Any person or group, except the NMFS, NMFS employees and their immediate relatives, is eligible to apply for funding under this solicitation. This notice sets forth conditions under which proposals will be evaluated to determine appropriateness for funding. Applicants are required to comply with Office of Management and Budget Circular A-95 regarding State and Area-wide Planning and Development Clearinghouse review. The Catalogue of Federal Domestic Assistance number and title for this program are 11–427, "Fisheries Development and Utilization Research and Demonstration Grants and Cooperative Agreements." Notice of availability of Financial assistance for fisheries development projects will also appear in the Commerce Business Daily.

FOR FURTHER INFORMATION CONTACT: Mr. Preston Smith, Office of Utilization and Development, National Marine Fisheries Service, Washington, D.C. 20235, Phone: 202–634–7252.

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A. Obligations of the Applicant
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I. Introduction

The Saltonstall-Kennedy Act (15 U.S.C. 713c-2-713c-3) makes thirty percent of the gross receipts collected under the customs laws from duties on fishery products available to the Secretary of Commerce. These funds may be used to promote the free flow in commerce of, and to develop and increase markets for, domestically produced fishery products. Each year the National Marine Fisheries Service (NMFS) makes a portion of these funds available for solicited fishery development and utilization projects. For fiscal year 1981, about \$10,000,000 of Saltonstall-Kennedy monies will be made available to fund fisheries development and utilization projects which promote the goals and priorities of the NMFS fisheries development

II. NMFS Fisheries Development and Utilization Program

A. Fisheries development and utilization goals.

In 1979, the Department of Commerce announced a broad based fisheries development policy designed to strengthen the U.S. fishing industry and increase the supply of domestically produced wholesome and nutritious fish and fish products. These goals would be met by identifying and resolving economic and technological impediments to the development of underutilized fishery resources. More specifically, the aim of the NMFS fisheries development policy is to:

(1) Encourage development and growth of the domestic fishing industry in order to provide increased employment opportunities, improve the economic well-being of fisheriesdependent communities, and increase the supply of economically priced fish and fish products to U.S. consumers.

(2) Increase productivity and promote efficiency in the harvesting, processing, distributing, and marketing of fish and fish products.

(3) Lower the foreign trade deficit in fishery products through increased exports of U.S. fish and fish products and displacement of imports.

(4) Provide consumers with a good quality and wide variety of wholesome, nutritious fish and fish products.

(5) Encourage the development of nontraditional fish resources, strengthen the long-term viability of the industry, and reduce reliance on traditional fish resources already harvested at optimum yield.

(6) Improve domestic and foreign market efficiency, through the transfer of information and the elimination of any market practices that restrict

competition.

B. Saltonstall-Kennedy Activities The Saltonstall-Kennedy program constitutes an important part of the NMFS fisheries development program: Saltonstall-Kennedy program monies will be used to fund proposed projects which are directed to the attainment of the stated goals of the NMFS development program. NMFS will consider funding proposals which relate to the development of one specific fishery, proposals which relate to more than one fishery, or proposals which are national in scope. 1 However, all proposals should be comprehensive in dealing with the impediments to development. Thus, proposals which relate to one specific fishery should discuss all phases of the development of that fishery, from harvesting to processing, distribution, and marketing. Proposals addressed to the needs of a particular region in one or more fisheries should show how the proposal relates to existing regional plans. All proposals which address regional needs will be considered even though they may not be part of existing regional fisheries plans, but will be considered more favorably if they complement regional plans where such plans exist. For example, a project to plan facilities for a specific port or port district, or a project to demonstrate a squid cleaning machine, or a project to demonstrate advanced technology for artificial reefs would be considered to

¹For purposes of this notice, a fishery is defined as one or more stocks of fish which are identified as a unit based on geographic, scientific, technical, recreational and economic characteristics, and any and all phases of fishing for such stocks. Examples of fisheries are: Alaskan groundfish, Pacific Whiting, New England Whiting, Gulf of Mexico groundfish, etc.

be comprehensive only if the individual projects are identified as part of a comprehensive plan or program to develop fisheries within that region. Projects which address national concerns should be responsive to the goals and priorities of the NMFS fisheries utilization and development program.

III. Areas For Grants and Cooperative Agreements

For fiscal year 1981, NMFS seeks to fund fisheries development projects which relate to regional and national concerns originally identified in 1979 by the Department of Commerce Fisheries Development Task Force, which have since been reviewed and updated in consultation with members of the fishing industry. The final report of this Task Force is available from the office listed at the front of this notice. Project priorities are described below, but other projects within the areas of concern will also be considered. Applicants having knowledge in any of these areas are encouraged to develop complete proposals; however, there is no guarantee that sufficient funds will be available to make awards for all approved proposals.

Fisheries development and utilization proposals should relate to all or some of the 5 areas of concern identified by the

Task Force. These are:

A. Application of Technology to Fishing Operations and Processes.

The National Marine Fisheries Service intends to fund projects that demonstrate the feasibility and use of new or existing technologies in fisheries that have not had the opportunity to examine or test such state-of-the-art technologies. Low priority will generally be given to the funding of any proposal involving extensive design or development of new technology.

Projects of particular interest include. in order of priority: (1) projects to demonstrate the feasibility and use of new or existing technologies to improve fuel efficiency or otherwise reduce energy needs in harvesting or processing; (2) projects to provide direct tehenical assistance to members of the fishing industry to apply new or existing technology to reduce the energy needs in harvesting or processing; (3) projects to analyze the feasibility of transfer of available technology from one fishery to another by study and demonstration of foreign and domestic methods of harvesting and processing specific fish: (4) projects to analyze the costs and benefits of transfer of techology from one fishery to another to increase the productivity of harvesting or processing; (5) projects to improve storage

techniques, processing or preservation methods, or otherwise reduce processing costs, to increase the ability of the industry to utilize available fish resources and provide an increased variety of safe, wholesome, and nutritious fish and fish products to consumers; or [6] projects to examine fishing vessel safety, to improve the safety of vessel operations, to teach vessel safety, or to disseminate information on increasing vessel safety.

B. Improvement of Access to Domestic

and Foreign Markets.

Projects should be designed to enhance the opportunities for the marketing of U.S. fish and fish products, at home and abroad. NMFS is soliciting, in order of priority, projects to (1) increase the use of domestically harvested fish, especially nontraditional species and shellfish, in U.S. institutions; (2) identify present or potential export markets for U.S. fishery products, inform the U.S. industry of export markets (e.g., Denmark, Norway, Finland, Venezuela, Columbia, Argentina, Brazil, Canada, and Mexicol. and provide instruction on penetration of these markets (e.g., export seminars in Boston, Tampa, Los Angeles and Seattle); (3) increase awareness of foreign consumers of American fisheries products; (4) determine, compile, and publish safety, quality and labeling standards and inspection and other import requirements of foreign governments for fish and fish products; or (5) measure the impact of foreign tariff and nontariff barriers on the U.S. fishing industry (i.e., subsidies and reference price in the EEC, subsidies in Canada, and Brazilian fish trade restrictions).

C. Safety, Quality, Labeling, and Nutritional Value of Fish and Fish

Products.

NMFS is soliciting, in order of priority, proposals to (1) continue studies to determine the levels and public health significance of hazardous materials in fish and fish products; (2) continue studies to identify and measure natural toxins in fish, and to prevent toxic fish from reaching the market place; (3) conduct a comprehensive, objective assessment of the quality of seafood produced by U.S. processors for domestic and foreign consumption; (4) study the nutrient composition, and nutritional qualities of commercial and recreational species and nutrient/ nutrient interactions; (5) develop, establish and operate a voluntary system to sample, inspect, and grade the quality of whole fish landed at U.S. ports; (6) develop modern, effective product standards specifications for underutilized species to accelerate

consumer acceptance; (7) study the effects of processing, storage, additives, and methods of cooking on the nutritive quality and shelf life of fish and fish products; or (8) identify and eliminate specific safety, quality, and labeling problems which impede the utilization of nontraditional or underutilized fish resources.

D. Support Facilities.

NMFS is soliciting proposals for regional studies, coordinated with the work of the Economic Development Administration, Maritime Administration, Minority Business Development Agency, or the U.S. Army Corps of Engineers, to address impediments to fisheries development due to inadequacy of ports, harbors, and

other support facilities.

The NMFS has found that the most serious impediment to the orderly development of support facilities is the lack of regional planning. In evaluating proposals for planning support facilities. the NMFS will afford highest priority to proposals which consider total needs of a region, and provide for development of the underutilized or unused fish resources within the region. Where a regional plan exists, the highest priority will be given for studies which plan the placement, characteristics, and priorities of specific support facilities within the region or at a site identified in the regional plan. High priority would also be given to cost/benefit studies for such facilities. NMFS will consider requests for funds for construction or purchase of support facilities only if all other qualified proposals have been funded and funds remain unallocated.

E. Consumer Education/Consumer Awareness.

The NMFS is soliciting proposals for projects designed to increase per capita consumption of seafood, consistent with dietary goals established by the U.S. Senate Select Committee on Nutrition and Human Needs, through consumer education and awareness. Projects could include, in order of priority: (1) projects to provide the most effective type of educational materials about fish and fish products, and the best methods of disseminating these materials; (2) projects to provide consumers with information on the safety, quality, identity (nomenclature), economy, and nutritional value of fish and fish products; or (3) projects to educate consumers on the preparation of fish and fish products.

IV. Regional Priorities

The NMFS is seeking to encourage a regional approach to developing or strengthening fisheries. "Region" refers to a geographic area corresponding to

the area in which fishing for a species or group of species would likely take place. A region generally corresponds to the range over which the species of fish can be harvested and/or the area encompassed by the NMFS regions. Regional priorities have been identified and established by the NMFS in conjunction with groups, organizations and local governmental units having an interest in the development of fisheries in the region. NMFS is specifically soliciting proposals which provide a regional approach to (1) development or expansion of a specific fishery or group of fisheries capable of supporting further development; (2) removal of impediments to the development or expansion of such fisheries; or (3) further involvement of small and minority business in those fisheries.

Specific fish resources within each region which have the greatest potential for development have been identified. These fish resources, and the major impediments to their development are:

A. Northeast Region.

The Northeast Region is seeking development of those fisheries resources which are known to be abundant and available for additional exploitation, including squids (Illex and Loligo), hakes (several species), butterfish, scup (porgy), monkfish, rock and jonah crabs, dogfish, skates, rays and mackerel.

Impediments to development include use of out-dated fishing methods, inadequate and locally oriented marketing/distribution systems, lack of industry-related information, and imbalance among the producing, processing and marketing segments of

the industry.

Priority will be given to projects that:
(1) Introduce new and/or modified technology for the harvesting, handling, processing or marketing of these

(2) Are directed to more comprehensive use of developed resources, such as use of groundfish frames or scallop gonads as marketable products, and increased consumption of recreationally caught species not historically used for food, such as sharks and ocean pout.

(3) Demonstrate the economic viability of manufactured products, such as pickled or marinated herring and shellfish and/or shelf stable products such as canned mackerel or whiting; or

(4) Extend current industry or state marketing activities through better coordination, or adoption of innovative approaches for domestic and export marketing.

Preference will be granted to those projects which are likely to provide industry-wide benefits, and those which are endorsed by industry as part of a comprehensive regional program for fisheries development. A lower priority will be afforded those projects that involve specific port development, aquaculture, marine extension, or are environmentally oriented. Only those proposals that have potential for significant economic impact and/or those that will benefit a broad segment of the domestic industry should be submitted.

B. Southeast Region.

Resources which have the greatest potential for development in the Southeast Region are sardines, herring and similar small pelagic species, Gulf groundfish, Jack Crevales, bonitos, blackfin and yellowfin tuna and coastal pelagics, and South Atlantic groundfish. Projects directed to other species or species groups will be considered individually in terms of overall merit.

Major impediments to the development of the fishing industry in the Southeast Region are as follows:

 Insufficient knowledge about the abundance, location, seasonality and other characteristics of the resources, in economically applicable terms.

(2) Lack of adequate onboard handling and storage facilities or sorting methods for recreational and large volume, low

value commercial species.

(3) Insufficient knowledge of market potentials in Africa, South America and Western Asia for many of the underutilized southeastern species.

(4) Inadequate information on characteristics of several underutilized species for food processing purposes.

(5) Lack of knowledge regarding the adapability of harvesting techniques which are new or commonly employed elsewhere in the U.S. or broad.

(6) Lack of economic evaluation and investment opportunity information regarding undeveloped or partially developed fisheries.

Priority will be given to any project directed to energy conservation or shrimp bycatch utilization.

C. Southwest Region.

The Southwest Region places high priority on projects that address the fishing industry's ability to adjust to fluctuations and imbalances in the supply and demand of seafood products landed in California, Hawaii, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Marianas.

On the U.S. west coast, underutilized species include, but are not limited to, rockfish (Sebastes sp), Pacific whiting (hake), squid, mackerel, sablefish and shark. The major impediment to the development of the west coast fishing industry is the current inability of

processing and marketing sectors to handle the increased domestic fleet catch. Competition from foreign fishermen and imported products also constrain development. Recreational fisheries would benefit from the application of advanced technology in artificial reef development.

In the western and central Pacific, projects that assist in the expansion of the skipjack and albacore fisheries, and/or development of local fisheries that provide regional benefits will receive high priority. Projects must be coordinated with ongoing regional planning efforts. The ultimate goal of the fisheries development program in this area is to displace foreign fishing within the FCZ with U.S. fishermen and support facilities.

Fisheries development efforts in the Pacific Islands must consider the varied social and cultural mores of island people. Impediments to fisheries development in the central and western Pacific are rooted in the low level of industry development that characterizes island economies. Development of fisheries is impeded by the inadequacy to infrastructure, market distribution systems, support facilities, and by the absence of coordinated fisheries development planning. Within the tuna fishery the baitboat fishermen are impeded by the scarcity anf frailty of naturally occurring baitfish; recreational and commercial fishermen are impeded by the absence of techniques to harvest western Pacific tuna, which have unique schooling characteristics.

D. Northwest Region.
In the Northwest Region, pacific whiting is the only species off
Washington, Oregon and California with a directed foreign fishery and, therefore, the development of this fishery by the U.S. is a high priority. Other species with potential for increased domestic harvest include widow and shortbelly rockfish and species of shark.

A major impediment to the development of the West Coast fishing industry is inadequate marketing capability. Priority will be afforded those projects that increase the consumption of Pacific Coast fishery products and those projects that improve the competitive position of fishermen and processors. Market acceptance of fishery products is impeded by inadequacy of quality control, consumper education, and information on product availability, product form and labeling, and consumer trends. High fuel costs and the inability to dispose of processing waste products efficiently, also impede resource development.

E. Alaska Region.

Non-traditional fishery resources available for harvest within the U.S. 200 mile fishery zone off Alaska exceed 1.9 million metric tons. This available poundage, currently harvested largely by foreign nations, does not include traditional high value species currently harvested by U.S. fishermen, such as salmon, halibut, shrimp, and crab. Domestic capability for catching, processing and marketing substantial portions of these non-traditional fishery resources is very limited. The need for development of all aspects of Alaska fisheries is substantial; however, funding priority will be given to those proposals which focus on: (1) personal use of recreationally caught species, and marketing of underutilized species; (2) quality control at all levels of product handling; (3) fuel efficiency; and (4) technological innovation for improving efficiency in catching and processing.

Multiyear projects approved in FY 80 directed to improving gear technology, quality control extension services, processing technology, and marketing methods will receive priority for additional financial support in FY 81.

V. Applications

A. Eligible Applicants.

Applications for grants or cooperative agreements for fisheries development projects can be made by any person or group, including Federal, State, and local governments, and Department of Commerce Regional Development Commissions, in accordance with the procedures set forth in this notice. The NMFS encourages minority individuals and groups, and women, to submit proposals. NMFS employees (or their immediate families, including full, parttime, and intermittent personnel) and NMFS offices or centers are not eligible to submit a proposal under this solicitation, or aid in the preparation of a proposal, except to provide general information or guidance about the fisheries development program and the priorities included in this solicitation.

B. Amount and Duration of Funding. For fiscal year 1981, NMFS has about \$10,000,000 available to fund the fishery development and utilization projects solicited herein. Grants or cooperative agreements will be awarded for a period of 1 year. Proposals will be considered for projects which extend for up to 3 years; however, continuing projects will have to resubmit proposals each year, and continued funding will be contingent upon the availability of funds, the extent to which project objectives are met during the prior year, and the continued priority of the project as established in subsequent years. Any proposal submitted for multiyear

funding shall completely describe activities to be undertaken in the first year for which funding is requested, and shall outline planned activities and expected costs for each succeeding year. Publication of this announcement shall not obligate NMFS to award any specific grant or to obligate the entire amount of funds available or any part thereof.

C. Cost-sharing Requirements.

Part of the total cost of each project must be provided by the applicant from non-Federal sources. The non-Federal share may include funds received from private sources or from State or local governments, or the value of in-kind contributions. In-kind contributions are noncash contributions provided by the applicant or non-Federal third parties. In-kind contributions may be real property, personal property, or goods or services, that are directly applied to the project.

The percentage of the total project costs provided by the applicant from non-Federal sources will be an important factor in the selection of projects to be funded. Applicants who receive all or nearly all of their funding from Federal sources may be exempted from the non-Federal cost sharing requirements. Complete exemption for the cost-sharing requirements may be granted in unusual circumstances only to non-profit public interest organizations which demonstrate no financial ability to meet cost-sharing requirements. The total project costs and the percentage of cost sharing required will be determined as described below. Any changes in these formulae will be announced in a subsequent Federal Register notice.

(1) Determining Total Project Cost. The total costs of a project consist of all costs incurred by the applicant in the performance of project tasks, including the value of the in-kind contributions. which are necessary to accomplish the objectives of the project during the period in which the project is conducted. A project begins on the date that a formal grant or other agreement between the applicant and an authorized representative of the United States takes effect, and ends when a final report is submitted and accepted by such authorized representative. Accordingly, the time expended and costs incurred in either development of a project or the financial assistance application, or in any subsequent discussions or negotiations up to the point of formal award, are neither reimbursable nor recognizable as part of the recipient's cost share.

NMFS will determine the appropriateness of all cost-sharing

proposals, including the valuation of inkind contributions, on the basis of guidance provided in Office of Management and Budget (OMB) Circular A-110, "Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations." In general, the value of in-kind services or property used to fulfill the cost-sharing requirements will be the fair market value of the services or property. Thus, the value is equivalent to the costs of obtaining such services or property if they had not been donated. Cost sharing to be provided by the applicant may include:

(a) Expenses incurred by the grantee as project costs. (Not all charges require cash outlays by the grantee during the project period; examples are depreciation and use charges for building and equipment.)

(b) Project costs paid for with cash contributed or donated to the grantee by other non-Federal public agencies and institutions, or private organizations or individuals.

(c) The value of in-kind contributions.(2) Determining the Level of Cost

Sharing Required.

That percentage of the total costs required to be provided from non-Federal sources will be as follows:

(a) 20-30 percent. For projects in which direct industry participation may be limited, the non-Federal cost share shall be no less than 20 percent, but need not exceed 30 percent, of the total project cost. Projects in this category benefit many interest groups and, therefore, offer no unique advantage to those conducting the project. Projects in this category might relate to: planning the placement of support facilities, fishing vessel safety, economic or food technology research, seafood product safety, or consumer attitude toward seafoods. Because of their nature, these projects, would ordinarily be conducted by or for State or local government entities or by no-profit organizations.

(b) 30-70 percent. For projects in which direct industry participation can be significant, the non-Federal cost share shall be no less than 30 percent, but need not exceed 70 percent, of the total project cost. These projects contain significant or indeterminate risks which prevent an individual or group from undertaking them without assistance. Projects in this category would ordinarily deal with the non-traditional species, demonstration of new harvesting gear or processing methods. the development of new fish product concepts or forms, or the enhanced use of domestically harvested fish in institutional markets or for personal consumption.

(c) 70 percent or more. For projects which involve significant industry participation, entail a limited risk, and in which the prospect for immediate future gain from the project are significant, the non-Federal cost share shall be no less than 70 percent of the total project cost. These projects would involve established fisheries or markets as, for example, expanding the markets for fish or parts of fish normally discarded during harvesting or processing. Such projects require significant participation by individuals or groups within the industry to ensure their success.

In determining the category of cost sharing in which the project belongs,

NMFS will consider:

(i) The project's direct benefits to the general public, or to the fishing and seafood industry;

(ii) The financial risk assumed by the applicant in undertaking the project;

(iii) The potential of the project to generate revenues that would allow the applicant to recover costs incurred through participation in the project; and

(iv) The compatibility of the project with national fisheries development policy and its potential for national

economic benefit.

A project which will benefit the general public, such as a research project dealing with the safety of fish and fish products or demonstrating advanced technologies to benefit recreational fisheries, will have a lower cost-sharing requirement than one which directly benefits only a specific segment of the industry or an identifiable number of firms. Similarly, industry demonstration projects in highrisk ventures, as those which involve the harvesting, processing, or marketing of non-traditional U.S. species, will be expected to provide lesser amounts of cost sharing than would industry projects related to species for which strong domestic or foreign markets already exist. Projects which have a high potential for fulfilling national fisheries development policy or making significant contributions to the national economy might also have a lower costsharing requirement than projects with a lesser potential for doing so.

D. Format.

Applications for funds must be complete. They must identify the principal participants and include copies of any agreements between the participants and the applicant. Project proposals should give a clear presentation of the proposed project, the methods for carrying out the project, and its relevance to developing and strengthening the U.S. fishing industry. Applicants should not assume prior

knowledge on the part of NMFS as to the relative merits of the project described in the proposal. The applicant is advised to contact the appropriate regional office for guidance in preparing proposals. Such consultations with NMFS staff will not result in more favorable consideration of any proposal. Proposals shall be submitted in the following format:

1. Cover sheet.

A Federal Government standard form 424 shall be used as the cover sheet. Standard form 424 may be obtained from the NMFS Regional Offices or the NMFS Washington Office listed at the end of this notice.

Project summary.

A summary of not more than one page shall be provided for each proposed project within the proposal containing the following information:

(a) Project title.

(b) Principal investigator.

(c) Purpose or objective of project.

(d) Summary of work to be undertaken.

(e) Beneficiaries of project results. (f) Geographical impact of project

(local, state-wide, regional, national).

(g) Project duration.(h) Total project costs.

(i) Project costs to be provided by applicant, stated in actual amount and as a percentage of total project costs.

(i) Total Federal funds requested, stated in actual amount and as a percentage of total project costs.

(k) Principal uses for Federal funds and amounts requested for each use (salaries, travel, vessel charter, subcontracts, equipment rental, etc.).

3. Project description. Each proposal shall provide a complete and accurate description of each proposed project. For each project within a proposal the description may not exceed fifteen pages. The applicant should describe conditions affecting the fishing industry and the significance of the problem(s) being addressed by the project. This information should be brief, specific, and provide the basis for the evaluation of the project in terms of the need for the proposed work, the effectiveness of methods to be used, and likelihood of success in solving the problems addressed. All portions of the submitted proposals will be made available for review and comment by the public and by members of the fishing industry; therefore, the NMFS will not guarantee the confidentiality of any information submitted as part of any proposal. Each project shall be described as follows:

(a) Identification of Problem(s). Describe existing conditions which prevent or impede the U.S. fishing

industry in development of the fishery or utilization of the existing fisheries. Specifically describe (i) the species of fish involved, (ii) the specific impediment(s) that the fishing industry has encountered, (iii) the sectors of the fishing industry that are affected, (iv) the fishing industry reaction to the impediment(s), and (v) the extent of the impact of impediment(s) at the local, the regional, and national level.

(b) Project Goals and Objectives. Clearly state the extent to which the project would eliminate or reduce the impediment(s) described above. Describe the anticipated effect of the project on one or more of the stated national fisheries development and utilization goals. To the greatest extent possible, goals and objectives should be quantified, in terms of anticipated increased landings, production, sales, exports, product quality, safety, or any

other measurable factor.

(c) Appropriateness and Need for Government Financial Assistance. Clearly describe the circumstances which have prevented the applicant from obtaining funds from other public or private sources. Factors which inhibit private industry from undertaking the project are of particular importance. The proposal should list all alternative sources of assistance which have been

pursued. (d) Participation by Persons or Groups Other Than the Applicant. Indicate (i) the level of participation by NMFS, Sea Grant, or other government and non-government entities required to ensure the success of the projects; (ii) the form of such participation; and (iii) if such participation is voluntary, describe the procedures required for participation in the project. In addition, identify all persons or groups consulted during the preparation of the proposal.

(e) Federal, State, and Local Government Activities. List any existing federal, state, or local government plans or activities, including State Coastal Zone Management Plans, which would be affected by this project, and describe the relationship between the proposed project and these plans or activities.

(f) Project Outline. Set out all tasks to be performed, and the key events in the task schedule; where applicable, indicate any task(s) which might be adversely affected by factors beyond the control of the applicant.

(g) Project Management. Describe how the project will be organized and managed. List all persons or groups who will be involved in the project, their qualifications, and their level of involvement in the project. Provide copies of any agreements between the participants and the applicant.

(h) Monitoring of Project
Performance. Describe how the progress
of the project would be monitored and
who would participate in the monitoring.
Specify what actions would be taken in
the event specific project tasks become
unattainable. This is particularly
important in demonstration projects
where the project can be affected by
factors beyond the control of the
applicant.

(i) Evaluation of Project Results.

Describe the methods or procedures to be used upon the completion of the project to evaluate the success of the project in overcoming the impediment(s) that was addressed in the project, and the extent to which the project results promote the national fisheries development and utilization goals.

(j) Project Benefits. Identify the sectors of the fishing industry which will benefit, either directly or indirectly, from the project. These benefits should be described in quantitative terms to the extent possible and practical.

(k) Dissemination of Project Results.

Describe (i) how the project results will be conveyed to the members of the fishing industry or consumers who would directly benefit from the project and (ii) any special conditions or requirements that might have to be met before project results could be used.

(1) Project Costs. Provide a detailed schedule of project costs, identifying in particular: (i) sub-contracts, (ii) salaries, (iii) travel cost, and (iv) all other administrative and technical costs of the project. Funds will ordinarily not be granted for the purchase of capital equipment. Fee or profit will not be paid by NMFS under any funding award.

(m) Cost Sharing for the Project.

Specify all activities which will be undertaken directly or indirectly by the applicant or by other project participants which will be funded from non-Federal sources, including in-kind contributions. State the total amount of non-Federal funds, including in-kind contributions, to be committed to the project, and specify the time at which such contributions will be available.

4. Supporting documentation.
This section shall include any required documents and any additional information necessary or useful to the description of the project. The amount of information given in this section will depend on the type of project(s) proposed. The applicant should present any information which would emphasize the value of the project in terms of the significance of the impediments addressed, or the efficacy of methods used to calculate the costs and benefits of the project. Without such information, the merits of the project may not be fully

understood, or the value of the project to fisheries development may be underestimated. The absence of adequate supporting documentation may cause reviewers to question assertions made in describing the project and may result in a lower ranking of the project.

E. Application Submission and Deadline.

(1) Deadline.

Applications fo funding under this program shall be submitted by February 13, 1981. An application will be accepted if (a) the application is in any of the offices listed at the end of this notice on or before February 13, 1981, or (b) the application is postmarked 5 days prior to February 13, 1981.

(2) Submission of Applications to NMFS.

One signed original and two (2) copies of all completed applications must be submitted to the appropriate reviewing official.

(a) Proposals for projects relating to a specific fishery or a particular region should be submitted to the appropriate Regional office of the NMFS as specified below;

Northeast Region (Maine, Massachusetts, Rhode Island, Connecticut, Vermont, New Hampshire, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, Indiana, Illinois, Wisconsin, Michigan, Minnesota): Regional Director, National Marine Fisheries Service, Federal Bldg., 14 Elm Street, Glochester, MA 01930, Phone: (617) 281–3600.

Southeast Region (North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, New Mexico, Oklahoma, Arkansas, Tennessee, Kentucky, Missouri, Kansas, Nebraska, Iowa, Puerto Rico, Virgin Islands): Regional Director, National Marine Fisheries Service, Duval Bldg., 9450 Koger Blvd., St. Petersburg, Florida 33702, Phone: [813] 893–3142.

Southwest Region (California, Hawaii, Nevada, Arizona, American Samoa, Guam, Trust Territory of Pacific Islands): Regional Director, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731, Phone: (213) 548–2575.

Northwest Region (Washington, Oregon, Idaho, Montana, Wyoming, Utah, Colorado, North Dakota, South Dakota): Regional Director, National Marine Fisheries Service, 1700 Westlake Ave., North, Seattle, WA 98109, Phone: [206] 442–7575.

Alaska Region (Alaska): Regional Director, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802, Phone: (907) 586–7221. (b) Proposals that do not directly address the development of a particular fishery or region of the country but do address broad national concerns, such as impediments to increased use of fish and fish products, industry productivity or efficiency, or consumer welfare should be sent to: Director, Office of Utilization and Development, National Marine Fisheries Service, 3300 Whitehaven St., NW., Washington, D.C. 20235.

If an applicant is unsure who should review the proposal, it should be sent to the above address.

VI. Review Process and Criteria

A. Initial Review.

Upon receipt by the appropriate regional or national office, all proposals will be subject to an initial review to determine whether the proposal meets the minimum requirements specified below. Proposals will be evaluated as a whole; if a proposal includes 2 or more projects, such projects will not be considered separately at this stage of review. To meet minimum requirements, proposals must:

(1) Address an identified impediment to the development or strengthening of the fishing industry; meet the needs of the fishing industry; and/or consumers; be consistent with regional and/or national priorities; contribute to established fisheries development and utilization goals.

utilization goals;

(2) Meet the minimum level of cost sharing; and

(3) Include a procedure for evaluating the success of the proposal in overcoming the impediment(s) specified and in furthering national fisheries development and utilization goals.

Applicants whose proposals do not meet these minimum requirements will be notified that the proposal will not be considered further unless modifications can be made in time to allow further evaluation by NMFS. The decisions of the regional and Washington offices as to whether proposals meet these minimum requirements will be final.

B. Formal Evaluation and Ranking of

Proposed Projects.

Proposals which satisfy the minimum requirements will then be evaluated by NMFS regional and Washington staff, representatives from other Federal government agencies with progams affecting the U.S. fishing industry, and members of the fishing industry on the basis of technical merit. The regional and Washington offices of the NMFS will make proposals available for review as follows:

(1) Public review and comment. Regional proposals may be inspected at the office to which they are submitted. All proposals will be available for inspection at the NMFS Washington office from March 2, 1981 to March 20, 1981. Written comments will be accepted at the regional or Washington offices until March 20, 1981.

(2) Consultation with members of the fishing industry. NMFS shall, in its discretion, request comment from members of the fishing industry who have knowledge in the area of a proposal or who would be affected by a

proposal.

(3) Consultation with other government agencies. Proposals will be reviewed in consultation with the NMFS Research Centers and Utilization Laboratories, Regional Fisheries Management Councils, and the appropriate NOAA Grants/Contracts Offices. The appropriate Regional Fisheries Management Council may be asked to review proposals and advise of any real or potential conflicts with Council activities.

A panel, of NMFS, fishing industry, and consumer representatives will be convened to review each of the proposals. If a proposal contains 2 or more projects, the projects will be evaluated and ranked separately. All comments submitted to NMFS will be taken into consideration in the evaluation of proposals. Proposed projects will be given point scores based on the following criteria:

(a) Significance of the impediment addressed in the proposal (30 points).

(b) Feasibility of research/ development/demonstration and probability of success (20 points). (c) Technical approach (20 points).

(d) Qualifications and previous related experience of the management team and the personnel involved (20 points).

(e) Appropriateness of the budget in terms of the work to be performed (10

points).

C. Funding Awards.

After projects have been ranked, final funding awards will be determined. The NMFS Office of Utilization and Development will make recommendations for project funding based on the technical review score, the amount of cost sharing to be provided by the applicant, and the overall benefits to be derived from the project. The recommendations will be submitted to the Assistant Administrator for Fisheries, who will make the final determination as to which projects will be funded. The NMFS expects that proposals will be funded in the order determined by the technical scores. However, if two or more proposals receive similar technical scores, and address similar problems or problems of equal significance or seriousness, funding will be awarded first to the proposal in which the applicant provides the larger percentage of cost sharing, or to the proposal which has the greatest potential for regional or national benefit. Remaining proposals will be funded only if sufficient funds remain.

The exact amount of funds to be awarded for a project will be determined by preaward discussions between the applicant and the NOAA/NMFS Program and Grants representatives. The form of the financial assistance agreement and the award will be determined by NOAA Grants Officers. it is anticipated that final awards will be announced in June, 1981.

VII. Administrative Requirements

A. Obligations of the Applicant. An applicant shall:

 Meet all application requirements and provide all information necessary for the evaluation of the proposal.

- (2) Prior to the submission of a formal proposal to NMFS, comply with the provisions of OMB Circular A-95. These provisions require that an applicant notify State and area-wide planning and development clearinghouses in the jurisdiction in which a project will be undertaken of the intention to apply for funds. The notification shall consist of a standard form SF-424 and a summary description of the proposed project. Copies of such notification should be provided simultaneously to NMFS and to State and area-wide clearinghouses, the addresses of which are available from regional offices listed below. The summary description, attached to form SF-424, shall contain the following:
 - (a) Identity of the applicant.

(b) Description of the geographic area in which the project will be performed.

(c) A brief description of the project, its purpose, size or scale, estimated cost and other particulars sufficient to enable clearinghouses to identify local or State agencies with plans, programs or projects that might be affected by the proposed project.

(d) Approximate date of anticipated filing of formal NMFS application.

When referring to this program, the applicant shall use the Catalogue of Federal Domestic Assistance number and title as follows: "11–427—Fisheries Development and Utilization Research and Demonstration Grants and Cooperative Agreements."

(3) Be available, in person or by designated representative, to respond to questions during the review and evaluation of the proposal. (4) If a proposal is funded, manage the day-to-day operations of the project, be responsible for the performance of all activities for which funds are granted, and be responsible for the satisfaction of all administrative and managerial conditions imposed by NMFS.

(5) If a proposal is funded, submit quarterly reports within thirty days after the end the quarter to NMFS on the use of funds and progress of the project. These reports shall specify, for each

project funded:

 (a) Whether goals or objectives are being achieved within projected time periods;

- (b) Where necessary, state reasons why goals or objectives are not being met:
- (c) Any changes in plans or redirection of resources or activities and the reason therefor;

(d) Such report shall be submitted within the time and to the individual specified in the funding agreement.

(6) If a proposal is funded, submit a final report within 90 days after the end of each project. This report shall describe the project, the work performed and the results and benefits of the work. Results should be described in relation to the project objectives of resolving specific impediments, and should be quantified to the extent possible. Potential uses of project results in private industry should be specified. Any conditions or requirements necessary to the effective utilization of project results should be identified.

(7) Submit such additional reports as may be required by NMFS.

B. Obligations of the National Marine Fisheries Service. The NMFS shall:

(1) Provide all forms and explanatory information necessary for the proper submission of proposals for fisheries development and utilization projects;

(2) Provide advice, through the NMFS Office servicing the applicant's area, to inform applicants of the NMFS fisheries development policies and goals;

(3) When proposals submitted to regional offices are approved for funding, the NMFS Regional Director of such regional office shall inform the applicant of all requirements and conditions for the use of such fund;

(4) Monitor all projects to ascertain their effectiveness in achieving project objectives and in producing measurable results. Actual accomplishments of a project will be compared with intended or anticipated accomplishments. Conclusions drawn by NMFS in monitoring projects will be used to support funding decisions on multiyear projects and on succeeding or similar projects;

(5) Make project results and reports available upon request to Congress, public agencies or the public.

C. Legal Requirements. The applicant shall be required to satisfy the requirements of applicable Federal laws.

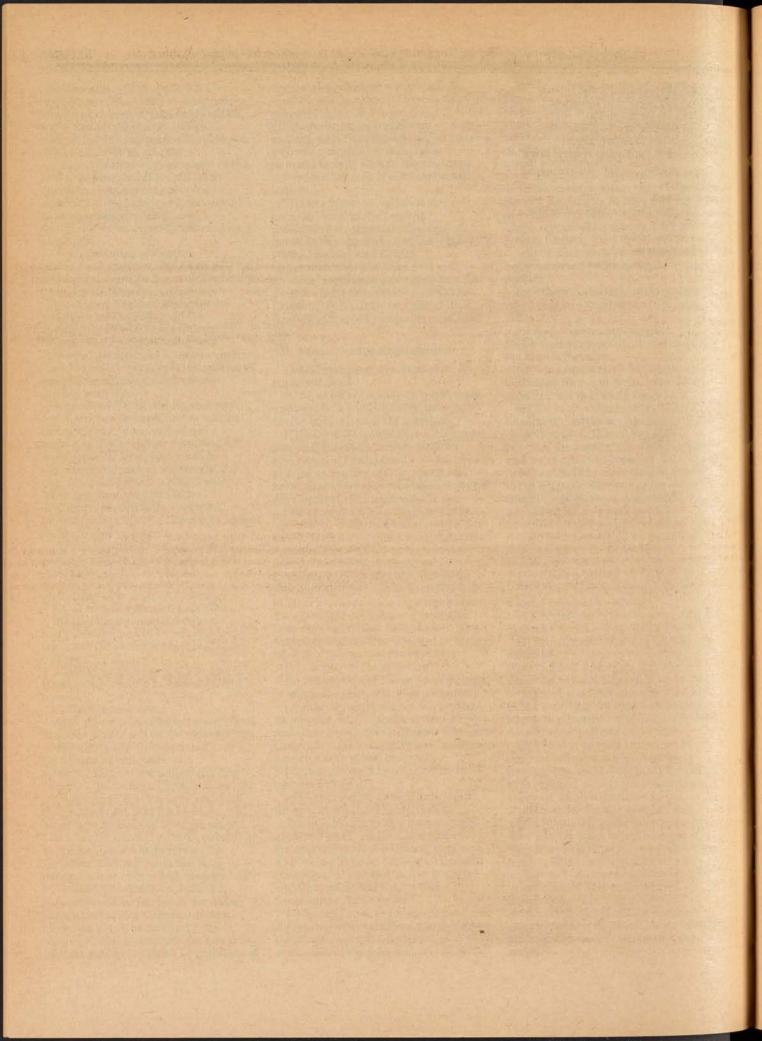
Signed at Washington, D.C. this 12th day of December, 1980.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 80-39163 Filed 12-16-80; 8:45 am]

BILLING CODE 3510-22-M





Wednesday, December 17, 1980

Part V

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Steep-Slope Mining Variance From Approximate Original Contour; Final Rulemaking

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 716

Steep-Slope Mining Variance From Approximate Original Contour; Final Rulemaking

AGENCY: Office of Surface Mining (OSM), Interior.
ACTION: Final rules.

summary: The Office of Surface Mining proposed rules on October 24, 1979 (44 FR 61312) to provide for interim program variances from the requirement to return mined land in steep slope areas to the approximate original contour. The Office requested written comments and requested interested persons to testify at a public hearing held in Washington, D.C., on November 16, 1979. These final rules are a result of all comments received.

EFFECTIVE DATE: This rule becomes effective January 16, 1981.

FOR FURTHER INFORMATION CONTACT: Alan Palisoul, OSM, U.S. Department of the Interior, Washington, D.C. 20240, (202) 343-2084.

SUPPLEMENTARY INFORMATION:

Background

Section 716.2(e) amends OSM's interim program regulations published at 42 FR 62639 et seq. (December 13, 1977). These regulations implement section 515(e) of the Surface Mining Control and Reclamation act (the Act) and provide for a limited variance from the requirements of section 515(d)(2) of the Act to return land mined on steep slopes to its approximate original contour.

The preamble to the proposed regulation [44 FR 61312-14, October 24, 1979) is hereby incorporated by reference. That preamble sets forth the bases and purposes and statutory authority for this final rule. The reader is also referred to the preambles to the draft and final permanent program (43 FR 41713-15, 41790-91, September 18, 1978, and 44 FR 15083-84, 15290-92, March 13, 1979, respectively) which are also hereby incorporated by reference. As noted in those documents, 30 CFR 716.2(c) closely parallels the variance procedure and performance standards in the permanent regulatory program at 30 CFR 785.16 and 30 CFR 826.15, with the exception described below.

The requirement for third-party letters of financial commitment assuring that post-mining land uses will be developed as planned has been deleted. This was done in response to District Court rulings in re Permanent Surface Mining Regulation Litigation, Civ. No. 79–1144 (D.D.C. Feb. 26, 1980). The permittee instead must submit to the regulatory authority information which shows that any necessary public facilities are likely to be provided and must present a plan which is financially feasible. Additional discussion of this issue is found below.

The words "for surface mines" have been deleted from § 716.2(e)(2) of the proposed regulation. OSM, in reviewing the regulation after this comment period. realized that these words were confusing in that they seemed to limit the application of this regulation. Section 716.2(e)(1) states that it applies to "surface coal mining operations," which is defined in section 701(28) of the Act to cover, among other things, the surface impacts incident to underground coal mines. Other less significant differences from the variance provisions in the permanent program are itemized in the preamble to the proposed rulemaking at 44 FR 61313. In the preamble accompanying the

proposed rule, OSM specifically requested comments on the available legislative history and on OSM's construction of the Surface Mining Control and Reclamation Act. In particular, OSM invited comments on its preliminary conclusion that "Congressional intent was not definitely established by the use of the phrases 'State program' and 'Federal program' and is more forcefully demonstrated by the central theme of the Act that the interim program be no more stringent than the permanent program." 44 FR 61312, October 24, 1979. Comments received from States, industry and environmental organizations fully supported OSM's decision to resolve the conflicts in the statute and legislative history by providing a steep-slope variance in the interim program. OSM believes that strictly defined and regulated variances from steep-slope approximate original contour requirements provide significant environmental and safety benefits. Sediment loads may, in some cases, be reduced or more easily controlled, revegetation processes eased, the choice of land uses increased, and desirable wildlife habitats created.

Comments on the Proposed Rules

1. Several commenters expressed the opinion that this variance should be available for reclamation of non-steep-slope areas as well as steep-slope areas. The District Court has ruled in *In re Permanent Surface Mining Regulation Litigation*, Civ. No. 79–1144 (D.D.C. Feb. 26, 1980) at 69–79 that section 515(e) of the Act is limited to steep-slope areas.

By its terms section 515(e) of the Act clearly establishes a variance only from the requirement in section 515(d)(2) to restore mined land to its approximate original contour. Since 515(d)(2) applies only to steep-slopes, the variance must be limited to steep-slope mining. For more detailed treatment of this issue, the reader is referred to the preamble discussion of 30 CFR 785.16 and 30 CFR 826.15, 44 FR 15083-84 and 15291.

2. A number of commenters said that the proposed regulation should include agricultural use in addition to industrial. commercial, residential, and public uses as a basis for granting the variance. As was pointed out in the preamble to the proposed rule, 44 FR 61313, section 515(e)(2) of the Act makes no reference to agricultural use. A useful comparison is section 515(c), which authorizes a variance for mountaintop removal operations. This section establishes industrial, commercial, residential, public, and agricultural uses as acceptable post-mining land uses. The omission of agricultural use from section 515(e) is therefore considered a significant expression of Congressional intent. Accordingly, these comments were rejected.

3. Several comments were received concerning the requirements in the proposed regulation dealing with backfilling and eliminating the highwall. One comment suggested that the proposed § 716.2(e)(4)(i) be changed so as to eliminate the requirement that backfilling be done in a manner which results in a static factor of safety of 1.3. The commenter desired a more general guide, suggesting "maintain stability."

OSM rejects this suggestion. The Secretary's discretion to impose both specific performance standards and design criteria has been upheld. See In re Permanent Surface Mining Regulation Litigation, Civ. No. 79-1144 (D.D.C. May 16, 1980) at 39-40. Moreover, the suggested standard is too general. The commenters did not stipulate how or for how long one would have to maintain stability. Such an amorphous standard affords no useful guidance to the operator or the regulatory authority as to how they can determine when the requisite stability has been attained. In addition, the factor of safety of 1.3 is a value that is within the standard established and accepted in the construction/engineering profession. Lambe and Whitman state that "a safety factor of at least 1.5 is commonly employed" when one is dealing with homogeneous intact soils in which the strength parameters have been chosen from good laboratory tests and pore pressure data has been

estimated carefully. (Lambe, T. W. and Whitman, R. V., "Soil Mechanics," John Wiley and Sons, Inc., New York, p. 373, 1969.) Meverhof lists "values of minimum overall safety factors which range from a low of 1.3 to a high of 5.0 depending on the type of anticipated failure. "Values of minimum partial safety factors" are also presented which show safety factors of 1.3 to 1.5 for earthworks and earth retaining structures for which both cohesion and frictional properties are known. (Meyerhof, G. G., "Safety Factors in Soil Mechanics," Canadian Geotechnical Journal, Vol. 7, No. 4, p. 351, 1970.) The U.S. Mining Enforcement and Safety Administration required a safety factor ranging from 1.3 to 1.5 for new coal refuse embankments, a standard continued by its successor agency, the U.S. Mine Safety and Health Administration. (U.S. Mining Enforcement and Safety Administration. "Engineering and design manual-coal refuse disposal facilities," Washington, D'Appolonia Consulting Engineers, Inc., Pittsburgh, pp. 5.143, 5.144, 1975.) The Canada Department of Energy, Mines and Resources indicates a safety factor of 1.3 for "Case II-where it is anticipated that persons or property would not be endangered by a failure." Canada Department of Energy, Mines and Resources, "Tentative design guide for mine waste embankments in Canada," Technical Bulletin, TB 145, Ottawa, Mines Branch Mining Research Centre, p. 5-27, 1972.) It is therefore the opinion of OSM that the requirement of a static factor of safety of 1.3 is necessary and realistic.

Another commenter suggested that highwalls be left to serve as windbreaks and nesting sites for western wildlife and raptors. This comment is rejected because it is contrary to the Congressional intent expressed in section 515(b)(3) of the Act that all operations be backfilled to restore the approximate original contour except as specifically provided otherwise. Moreover, even when exceptions to approximate original contour are provided, all highwalls must be backfilled (Section 515(e)(1)).

Another comment suggested allowing slopes of 2:1. Even though the commenter did not fully describe the slope desired, this comment was rejected. The regulation does not specify the grade of slope because the major concern is stability, which is better provided by use of a static safety factor.

4. Some commenters objected to the requirement in § 716.2(e)(3)(i) that the permittee demonstrate that the proposed land use be "likely to occur," stating

that the Act speaks in terms of potential use, suitable for, and planned use. One commenter supported the proposed requirement, citing the potential for evasion. OSM has decided to retain the "likely to occur" requirement because it interprets the Act to require some assurances that the enumerated uses will result. Section 515(e)(1) states that the variance is "for the purposes set forth in paragraph (3) * * " (improved watershed, equal or better economic or public use). Section 515(e)(3)(B) requires that the post-mining use be designed and certified by a professional engineer to "assure the stability, drainage, and configuration necessary for the intended use of the site." Section 515(e)(2) requires that surface owners knowingly request in writing that "such a variance be granted so as to render the land, after reclamation, suitable for an industrial, commercial, residential, or public use (including recreational facilities) * * *." Section 515(e)(4) allows for placement of spoil off the bench "as is necessary to achieve the planned post-mining land use." Looking at these explicit variance provisions in conjunction with the express requirement of section 515(b)(3) that all operations at a minimum must "* * restore the approximate original contour * * *," it is clear that Congress intended that the proposed uses would occur if there were to be any deviations from the AOC. In this regard, it should be noted that OSM intends that the failure of a person to comply with the terms of a variance as provided in the regulations or the variance itself be deemed a violation of the Act which shall subject such person to appropriate enforcement action by OSM and/or the regulatory authority.

On a related issue, commenters stated that the § 716.2(e)(3)(iii) requirement that the permittee meet all of the postmining land use requirements of 30 CFR 715.13 should be changed. In particular, most felt that the third-party letters of financial commitment (section 715.13(d)(3) and (4)) would be impossible to obtain, unduly severe and unnecessary in that they are more than the Act requires. In In re Permanent Surface Mining Regulation Litigation Civ. No. 79-1144 (D.D.C. Feb. 26, 1980). the District Court remanded an identical requirement at 30 CFR 816.133(c)(4) of the permanent program for being beyond the scope of the statute (Id at 62). In addition, the Court held that 30 CFR 816.133(c)(9), which requires a firm written commitment to convert lands to crop production, exceeds the statutory standard. This is the same requirement as appears at 30 CFR 715.13(d)(9). OSM has not made a final decision on

whether to appeal this part of the District Court's ruling. In any event, the ruling does not bind or affect the interim program since it was not challenged in the litigation over those regulations. (In re Surface Mining Regulation Litigation. 452 F. Supp. 327, 456 F. Supp. 1301 (D.D.C. 1978). Nonetheless, OSM has decided to modify the proposed postmining land use requirements of the interim program to prevent imposition of unnecessary burdens and to conform with the remand of related requirements in the permanent program litigation. Specifically, third-party letters of commitment required by § 715.13(d)(3) and (4) do not have to be provided by permittees. However, the permittee will still be required to demonstrate to the regulatory authority financial feasibility and that necessary public facilities are likely to be provided.

All other postmining land use requirements, however, have been retained. Comments were received stating that these remaining postmining land use requirements at § 716.2(e)(3) are more than section 515(e) of the Act requires and that they were developed with mountaintop removal operations in mind. OSM rejects these comments for the following reasons. First, these requirements are necessary for the regulatory authority to make the determination whether or not the operation will leave the land suitable for the proposed use. In addition, section 515(e)(3)(B) requires that the potential use be designed and certified by a professional engineer. This section expresses a specific Congressional mandate that postmining land uses be properly carried out whenever variances are granted. The comment that the § 715.13(d) regulations were designed solely for mountaintop removal operations is inaccurate. In fact, § 715.13(d) clearly states that "Proposals to remove an entire coal seam running through the upper part of a mountain, ridge, or hill must also meet these criteria." This clearly encompasses a greater range of operations than merely mountaintop removal.

5. One commenter recommended that § 716.2(e)(3)(iv)(A) and (B), which establishes specific criteria for measuring improvement of the watershed, be changed to incorporate more general criteria. The commenter felt that OSM should not limit the watershed improvement enteria. OSM agrees with this comment and does not intend that this regulation restrict the possible ways of improving watershed control. The regulation does, however, establish two specific criteria by which improvement can be measured. The

proposed rule has been changed to allow the regulatory authority to use any other criterion in granting the variance.

A number of commenters suggested that the watershed control improvement be measured against the condition of the area if it had been mined and returned to its "approximate original contour," rather than against the area's pre-mined condition. These commenters argued that the section 515(e) variance is a variance from the approximate orginal contour requirement, and that improvement should therefore be based on the normal reclamation condition. OSM rejects this idea for two reasons. First, OSM is not aware of any method which would provide an accurate calculation of such a hypothetical situation. In the preamble to the proposed rule, OSM asked for comments on the practicality of this test, but received none. Secondly, the Act requires complete protection of the hydrologic balance with AOC. Therefore, AOC should result in a watershed at least as good as the premining watershed. Another commenter suggested that the test should be either pre-mined condition or the condition if returned to approximate original contour, whichever would be less restrictive. As stated above, the Act requires full protection of the hydrologic balance in any case. Because of this, OSM does not have the freedom to choose a lesser degree of protection. The rules will insure that the watershed will be restored to a condition as good or better than if the variance was not granted, as OSM believes is necessary and as it believes was intended by section 515(e)(3)(C).

Some commenters objected to that part of the regulation which requires watershed improvement on "adjacent lands." Their position is that the regulation would be outside the scope of the Act in that it would make the operator responsible for areas outside of his operating area and (in many cases) control. An operator is responsible for any area affected by his activity, even if it is outside the operating area. OSM recognizes that the term "adjacent area" may encompass a larger or smaller area than that which the Act was intended to cover. Accordingly, OSM has changed the phrase "adjacent lands" in § 716.2(e)(2)(i) and (3)(iv) to "the area." This is the term used in section 515(e) of the Act, and makes clear OSM's intent that the watershed be improved.

6. One commenter suggested that the landowner should be allowed to specify the land form and vegetative cover which he desires and that these should become part of the mining and

reclamation plan. OSM cannot accept this proposal because the Act is specific about the reclamation required. Reclamation is either to restore the approximate original contour or, in conjunction with a variance, to achieve one of four acceptable alternative postmining land uses. Of course, the landowner is provided opportunity to negotiate the type of postmining land use within the range of alternatives available at such time as he requests a variance.

7. One commenter suggested deleting the requirements that (1) the surface owner request the variance separately from any consent given for the operation; and (2) such request show an understanding that the variance could not be granted without the surface owner's consent. This suggestion is not accepted because OSM feels that these requirements are integral parts of the showing, required by section 515(e)(2) of the Act, that the request is knowing.

8. Some commenters suggested that § 716.2(e)(5) should allow the permittee to demonstrate that the postmining use is proceeding as approved, in lieu of the review by the regulatory authority. OSM accepts this suggestion by adding the phrase "* * unless the permittee affirmatively so demonstrates."

OSM rejects the suggestion that it drop the word "ensure" from this same subsection because section 515(e)(6) requires that the regulatory authority review the variance to make sure it is proceeding in accordance with the terms of the plan.

One commenter requested that there be no review where the surface owner had specified the land form. This is rejected for the same reasons that the suggestion that the surface owner be allowed to specify the land form was rejected in paragraph 6 above.

 A number of minor editorial comments were received. Those which were accepted have been incorporated into the regulation.

Note.—The Department of the Interior has determined that this document is not a significant rule and does not require a Regulatory Analysis under Exective Order 12044 and 43 CFR Part 14.

Section 501(a) of the Surface Mining Control and Reclamation Act of 1977 exempts this action from the environmental Impact Statement requirement of the National Environmental Policy Act of 1969.

Drafting Information

These regulations were drafted primarily by Richard M. Hall, Assistant Director for Inspection and Enforcement, and Alan Palisoul, Enforcement Specialist, Division of Enforcement.

Dated: December 11, 1980.

Joan M. Davenport,

Assistant Secretary, Energy and Minerals.

Accordingly, \$ 716.2 of 30 CFR is amended by adding a new paragraph [e] to read as follows:

§716.2 [Amended]

(e) Variances from approximate original contour restoration requirements.

* *

- (1) This subsection applies to surface coal mining operations on steep slopes where the operation is not to be reclaimed to achieve the approximate original contour and is not a mountaintop removal operation.
- (2) The objective of this subsection is to allow for a variance from the approximate original contour restoration requirements on steep slopes to—
- (i) Improve watershed control of the area; and
- (ii) Allow the land to be used for an industrial, commercial, residential, or public use, including recreational facilities.
- (3) The regulatory authority may grant a variance from the requirement for restoration of the affected lands to their approximate original contour only if it first finds, in writing, on the basis of a showing made by the permittee, that all of the following requirements are met:
- (i) The permittee has demonstrated that the purpose of the variance is to make the lands to be affected within the permit area suitable for an industrial, commercial, residential, or public use postmining land use and that the proposed industrial, commercial, residential, or public use is likely to occur.
- (ii) The proposed use, after consultation with the appropriate landuse planning agencies, if any, constitutes an equal or better economic or public use.
- (iii) The permittee has demonstrated that compliance with the requirements for acceptable alternative postmining industrial, commercial, residential or public land uses of 30 CFR 715.13 has been achieved except for the requirement at § 715.13(d)[3] and [4] to provide letters of commitment. The permittee must demonstrate to the regulatory authority that necessary public facilities are likely to be provided and that the plan is financially feasible.
- (iv) The permittee has demonstrated that the watershed of the area will be improved as compared to the condition of the watershed before mining. The

watershed will be deem improved only

(A) There will be a reduction in the amount of total suspended solids or other pollutants discharged to ground or surface waters from the area as compared to such discharges; or, there will be reduced flood hazards or more even flow within the watershed containing the area due to reduction of the peak flow discharges from precipitation events or thaws; or any other criterion authority in the granting of the variance. While improving one or more variables, the permittee must also at least maintain the variables not improved at their premining levels;

(B) The total volume of flows from the proposed affected lands, during every season of the year, will not vary in a way that adversely affects the ecology of any surface water or any existing or planned use of surface or ground water;

and

(C) The appropriate State environmental agency approves the

plan.

(v) The permittee has demonstrated that the owner of the surface of the lands within the permit area has knowingly requested, in writing, as a part of the application, that a variance be granted. The request shall be made separately from any surface owner consent given for the operation and shall show an understanding that the variance could not be granted without the surface owner's request.

(vi) The proposal is designed and certified by a qualified registered professional engineer in conformance with professional standards established to assure the stability, drainage, and configuration necessary for the intended

use of the site.

(vii) All other requirements of the Act and these regulations will be met by the proposed operations.

(4) Every permittee who obtains a variance under this subsection shall:

(i) Backfill completely the highwall with spoil material, in a manner which results in a static factor of safety of at least 1.3 using general geotechnical analysis

(ii) Improve the watershed control of the area by reducing the peak flow from precipitation or thaw or reducing the total suspended solids or other pollutants in the surface water discharge during precipitation or thaw or by attaining the criteria approved by the regulatory authority in the granting of the variance. While improving one or more variables, the permittee must also at least maintain the variables not improved at their premining levels. The total volume of flow during every season of the year shall not vary in a way that

adversely affects the ecology of any surface or ground water.

(iii) Disturb land above the highwall only to the extent that the regulatory authority deems appropriate and approves as necessary to facilitate compliance with the provisions of this section. The regulatory authority may authorize such a disturbance above the highwall if it finds the disturbance is necessary to—

(A) Blend the solid highwall and the

backfilled material; or

(B) Control surface runoff; or

(C) Provide access to the area above

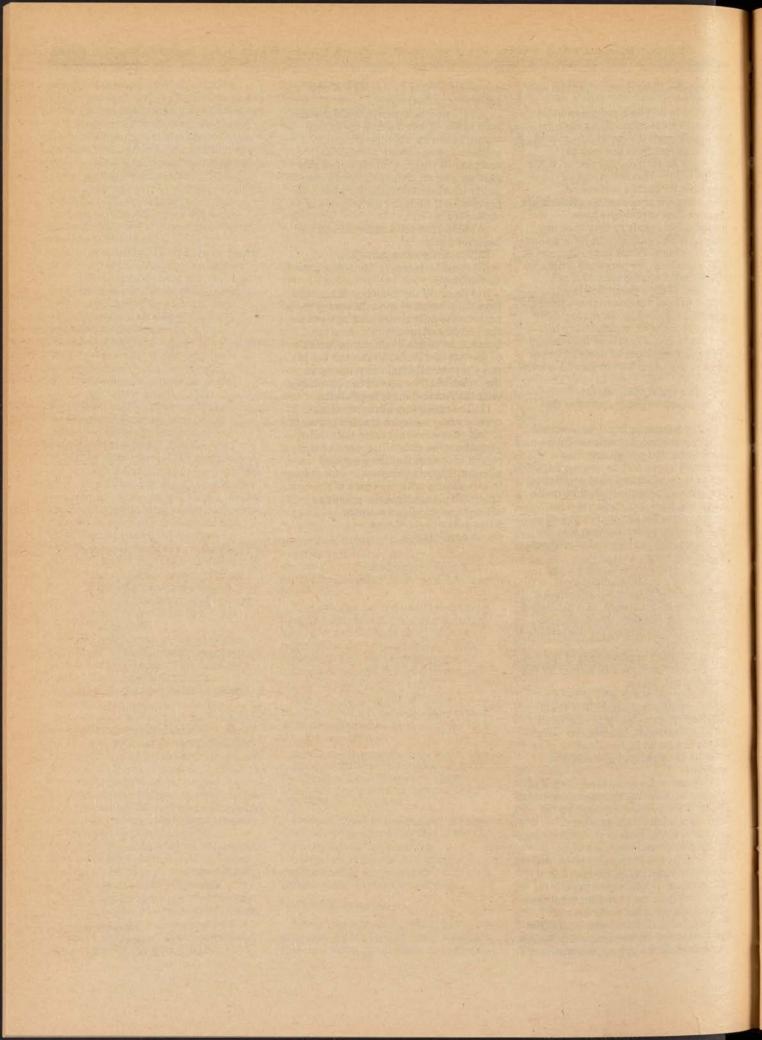
the highwall.

(iv) Place off the mine bench no more than the amount of spoil necessary to achieve the postmining land use, ensure the stability of psoil retained on the bench, and meet all other requirements of the Act and Parts 710 through 725 of this chapter. All spoil not retained on the bench shall be placed in accordance with the Act and these regulations.

(5) The regulatory authority shall review every variance granted pursuant to this subsection not more than three years from the date of issuance of the permit to ensure that the proposed alternative postmining use is proceeding in accordance with the terms of the approved plan, unless the permittee affirmatively so demonstrates.

[FR Doc. 80-39186 Filed 12-16-80: 8:45 am]

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Wednesday December 17, 1980

Part VI

Department of Health and Human Services

Office of the Secretary

Demonstration Project To Assist Those Wishing To Comment on Proposed Regulations Implementing the Adoption Assistance and Child Welfare Act of 1980

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

45 CFR Subtitle A

Demonstration Project To Assist Those Wishing To Comment on Proposed Regulations Implementing the Adoption Assistance and Child Welfare Act of 1980

ACTION: Notice of the Secretary, HHS.
ACTION: Notice of a Demonstration
Project to Assist Those Wishing to
Comment on Proposed Regulations
Implementing Title I (the Child Welfare
Provisions) of the Adoption Assistance
and Child Welfare Act of 1980.

SUMMARY: The Department of Health and Human Services (HHS), to encourage more citizens to participate in the decisionmaking process, is undertaking a demonstration project to assist qualified applicants with certain costs of commenting on proposed regulations. A major purpose of this demonstration project is to learn whether financial assistance will achieve a more complete discussion of significant issues and a greater diversity of oral and written comments on proposed regulations.

For this demonstration project the Department has selected regulations to carry out Title I of the Adoption Assistance and Child Welfare Act of 1980 (Pub. L. 96–272). The Department plans to publish the proposed regulations in the Federal Register in

late December 1980. During the 75 days following publication, interested persons or groups may comment on the proposed regulations, and also have the opportunity to attend regional meetings on these regulations. Meetings are planned for ten different cities around the country during January, 1981: Boston (Jan. 9), Atlanta (Jan. 9), San Francisco (Jan. 12), Chicago (Jan. 13), Dallas (Jan. 14), Kansas City, Missouri (Jan. 16), Denver (Jan.), Philadelphia (Jan. 23), New York (Jan. 28), and Seattle (Jan. 29). Exact locations and times of the meetings will be published along with

the regulations.
Four of these meeting locations—
Philadelphia, Kansas City, Denver, and .
Seattle—have been selected for the demonstration project as sites where selected persons or groups who are served by these regions, can be assisted to attend them if they could not otherwise afford to do so.

In addition, interested persons throughout the country are eligible to apply for funding to prepare written comments such as surveys of their membership or gather other information to back up their positions on the issues in these proposed regulations.

For this demonstration project, \$30,000 will be available to assist selected persons or groups, who otherwise could not afford it, to present oral and written comments.

For an applicant to be eligible, the Department must be able to determine from the applications that: (1) The information the applicant plans to present will help decide the issues; (2) the applicant represents an interest that otherwise might not be heard; and (3) the applicant could not otherwise afford to participate effectively.

pates: 1. A person who wishes to apply for assistance for preparing written comments under the demonstration project, must submit an application which must be postmarked (or hand-delivered to the Department of Health and Human Services) any time before the twenty-first day following the date that the proposed regulations are published in the Federal Register.

A person who wishes to apply for assistance to attend a regional meeting must apply by the following dates: Kansas City, Mo.—December 26, 1980; Denver-December 29, 1980; Philadelphia-January 2, 1981; and Seattle-January 8, 1981. Applications submitted after these dates will be considered to the extent practicable (applicants for the regional meeting in Kansas City must live in Iowa, Kansas, Missouri or Nebraska; applicants for the regional meeting in Denver must live in Colorado, Montana, North Dakota, South Dakota, Utah, or Wyoming; and applicants for the regional meeting in Philadelphia must live in Delaware, Maryland, Pennsylvania, Virginia, West Virginia, or Washington, D.C. Finally, applicants for the regional meeting in Seattle must live in Alaska, Idaho, Oregon, or Washington State. The states listed are the states served by each of these four regional meetings.

 An Evaluation Board will review all applications and make decisions on them within three weeks.

ADDRESS: Use this address to send in completed applications: Ms. Carel Hedlund, Demonstration Project, Room 706.E, Department of Health and Human Services, 200 Independence Avenue, S.W., Washington, D.C. 20201, Telephone: (202) 245–7545.

FOR FURTHER INFORMATION CONTACT:
Ms. Carel Hedlund, (202) 245–7545.

SUPPLEMENTARY INFORMATION: This demonstration project on citizen participation represents one part of the

Department's comprehensive consumer affairs plan, published in the June 9, 1980, issue of the Federal Register (pp. 38978–38998).

The Department expects the proposed child welfare regulations to have a dramatic impact on foster care, adoption, and other child welfare services for children and families in this country. The proposed regulations will require the states that administer the program to provide, services that will, among other things, help enable children to stay at home with their birth parents, families to get back together as soon as possible when the child must be placed in foster care, and families to adopt children with special needs by providing financial assistance. To prevent children from getting "lost" in the foster care system, the regulations require states to keep information on all foster children and to review the case plan of each foster child every six months. States will also be required to define how they will reduce the number of children who remain in foster care more than 24 months. Consequently, the Department believes these regulations establish the framework to improve the delivery of child welfare services.

The regulations affect a wide range of organizations and individuals, including children, foster parents, adoptive parents, birth parents, private non-profit and public child care institutions, state agencies, volunteer groups, and Indian tribal organizations. Among these individuals and groups are some who may not be able to afford to participate in the public meetings or to prepare written comments for submission by the end of the 75-day comment period.

This demonstration project is designed to get views on the proposed regulations from all affected individuals and groups so that the Department can develop final rules which are in the broadest public interest. Because participation in rulemaking can often be expensive, consumers, small organizations, and beneficiaries of programs are not always able to present their views during the comment period. As a result, there may be an imbalance of views that are presented to the Department. By reimbursing eligible participants who could not otherwise afford to participate, the Department is attempting to correct this imbalance by bringing a greater diversity of views into the decisionmaking process, thereby creating a more complete rulemaking record. The Department's authority to undertake such a program is based on its authority to spend funds for expenses necessary to administer its programs. To develop rules which are in the broadest

public interest, it is necessary to develop the most complete record possible during the rulemaking process.

For this demonstration project, assistance will be available for two types of costs: For selected applicants living in the states listed above, for attending the regional meetings in Kansas City, Philadelphia, Denver and Seattle; and, for selected applicants from throughout the country, for certain costs related to preparing written comments.

A regional meeting on these proposed regulations will take place in each of the following cities during January, 1981: Boston (Jan. 9), Atlanta (Jan. 9), San Francisco (Jan. 12), Chicago (Jan. 13), Dallas (Jan. 14), Kansas City, Missouri (Jan. 16), Denver (Jan. 10), Philadelphia (Jan. 23), New York (Jan. 28), and Seattle (Jan. 29). Because funds for this program are limited, competition is expected to be keen, and not all applicants will be funded.

The Demonstration Project has selected four of the regions (Region III, Philadelphia; Region VII, Kansas City; Region VIII, Denver; and Region X, Seattle) to test the success of the Project's goals by providing funding to assist selected applicants who could not otherwise afford to attend these meetings. Applicants for these meetings must live in one of the states served by each of those four regions. For costs of preparing information for written comments, the Demonstration Project will consider applications from interested persons throughout the fifty states and the territories. The Department will give special consideration to those applicants from the regions where funding for attending regional meetings is not available.

This demonstration project will help the Department learn whether financial assistance will achieve a more complete discussion of significant issues and a greater diversity of oral comments on the proposed regulations. The Department will carefully evaluate each of the ten meetings to ascertain whether the travel assistance for the four selected meetings will have achieved these goals of the demonstration project.

It is advantageous for applicants to apply as soon as possible. To assist applicants, this Notice lists many of the important issues addressed by the regulations. The list of issues is not exhaustive but should assist applicants in determining whether they are interested and have some relevant information to offer. Since the proposed regulations are still under development, the Department cannot yet state exactly how these issues will be treated in the regulations. However, applicants will

have 75 days to prepare and submit their comments once the proposed regulations are published, and comments should be focused on how well the regulations address these issues.

Applicants who live in Region III, VII, VIII, or X who wish to participate in a regional meeting should send in their applications as soon as they have read this Notice. Travel applications must be postmarked no later than three weeks before the dates of the meetings for which applications are made, to give the Department time to review them and to notify successful applicants. Late applications will be considered if at all possible.

Applicants who wish to prepare written comments should send in their applications as soon as possible. However, to give applicants an opportunity to review the proposed regulations before applying, the application deadline for written comments will be three weeks after the regulations are published. The Department will be mailing copies of these regulations as soon as they are published. Also, most public and university libraries have subscriptions to the Federal Register.

The proposed regulations are scheduled to be published in the Federal Register in December. If they are published December 15, applications for written comments must be submitted by January 5, 1981. If they are published later than that, applications must be sent in no later than the twenty-first day after they are published.

An applicant may submit one application to cover both activities providing both deadlines are met. If an applicant first applies to attend a regional meeting and then later applies to send in written comments, the later application must state that the applicant has already applied for travel assistance.

The Issues

These are some of the major issues which the proposed regulations will address. Comments will be accepted on these or on any other issues in the regulations.

A. The law provides that the states must have plans which provide for reasonable efforts, before a child is placed in foster care, to keep the child at home.

1. What are "reasonable efforts"?

2. What services and resources would be most effective in keeping the child at home? Which of these services should the Department require the states to include in their plans? 3. Should every local jurisdiction throughout the state have each service, or will having access to a nearby service be sufficient? For example, must every town or village have an emergency homemaker service or can several jurisdictions join together to develop an emergency service for the citizens of that area?

B. The law requires that the state must have plans which provide for reasonable efforts to make it possible for a child placed in foster care to return to his or her family.

What are "reasonable efforts"?
 What services and resources would be most effective in reuniting the child

with his or her family?

3. Which of these services should the Department require the states to include in their plans?

4. How can the Department measure whether or not there are sufficient efforts to reunite the child with his or her family?

C. The law requires the states to provide for a written case plan for children in foster care. The plan must try to place the child in the least restrictive (most family-like) setting available and near the parents' home, taking into consideration the best interest and special needs of the child. The plan must contain a description of the type of home or institution in which a child is to be placed, including a discussion of the appropriateness of the placement.

1. If a case plan cannot be ready before a child is placed in foster care, how soon after placement should it be ready?

2. Who should be able to ask for a copy of a child's case plan?

3. Which factors should the Department require the states to include in their case plans to assure that each child is placed in the least restrictive (most family-like) setting available near the family's home?

4. How can or should the term "near" be measured? Is it wise to use distance as a bench mark, or a requirement of easy access to the family, or both? Is there another way to determine "nearness"?

5. How can the Department define and make meaningful the term "appropriateness of the placement"?

6. How can the Department judge whether or not the placement is appropriate?

D. The law requires that a state's system of reviewing cases contain procedures (1) to assure that each foster care child has a hearing by a court no later than 18 months after placement to determine whether the child should be returned to his or her family, placed for adoption, or remain in foster care, and

(2) to protect parents' rights when the child might be taken away from their home, when there might be a change in the child's placement, and when there is any decision which affects the parents' privileges to visit their child.

1. What should these procedures be? 2. Should they be applied only to

parents and guardians, or to other family members with whom the child has been living?

3. How much advance notice of change in placement or changes in rights to visit the child is appropriate and practical?

4. What ought to be the rights of parents or guardians in relation to taking away a child, changes in where the child is placed, or changes in privileges to visit their child?

- E. The law requires either a court or an administrative review process to review the situation of a foster child every six months. If the state uses the administrative review method, the parents of the child must be able to participate. The review must be conducted by a panel of appropriate persons at least one of whom is not responsible for the case management of, or delivery of services to, either the child or the parents who are the subject of the review.
- 1. What ought to be the rights of the parents and children in attending the review?
- 2. Should the parents or children (when appropriate) have any say on who can attend these reviews?

3. Who are "appropriate persons" to

be on the panel?

4. Should the person "not responsible for" the case or services be someone who works outside the agency responsible for the review?

5. What protection should be afforded to the parents and the children in relation to privacy and confidentiality of

personal information? 6. Should children or parents be able to be represented by lawyers or others at these administrative reviews?

- F. The law requires a written agreement of adoption assistance between the state or other agency and the prospective parent who wants to adopt a foster child who has special needs.
- 1. What should be contained in this agreement?
- 2. What interests of the child should be protected in cases where the adoptive parents and child move to another state while the adoption agreement is in effect?

G. The law gives the Secretary of HHS discretion to make payments for child welfare services directly to Indian tribes in appropriate cases.

- 1. Should the Secretary make direct grants to Indian tribes?
- 2. Should the tribe submit a tribal plan similar to a state plan?
- 3. Should eligibility criteria for receiving funds be established? If so, what should they be?
- 4. Should the provision be implemented during fiscal 1981 or delayed until the beginning of fiscal 1982?
- H. One section of the law is designed to encourage states to improve their foster care protection system. That section requires that if Congress appropriates over \$141 million for child welfare services, each state must conduct an actual count or inventory of foster care children to be eligible to receive its share of funds over the \$141 million level.
- 1. What information should the Department require states to collect about each child who is counted?
- 2. Should the regulations require the states to include in their inventories the determination of the appropriateness and the necessity of the placement of each child counted?
- 3. Should the regulations require the states to include in their inventories the services needed in the case of each child to reunite the child and family?
- I. The law provides for a periodic review of state standards (licensing requirements) for foster care homes and child care institutions, and of rates for foster care payments and adoption assistance payments.
- 1. What should be the role of the public in these reviews?
- 2. How often should the reviews be held?

I. What should be the role and composition of the citizen advisory groups to the state agencies?

- K. For states which have a system of voluntary foster care placements meeting the requirements, the law provides that the state and the parents or guardians of a child enter into a voluntary placement agreement. If the parents request that the child be returned, the agreement is considered revoked unless the state agency opposes the request and seeks a judicial determination that the return home is not in the child's best interest.
- 1. What should be included in the voluntary placement agreement?
- 2. How much time should be allowed to the state to either prepare the child to return home, or to seek a judicial determination?

If an applicant wishes to comment on other issues, those issues should be described in the application.

Who is Eligible to Apply?

Anyone who wants to comment on any of these issues and who needs financial assistance to do so may apply to the reimbursement program. Both individuals and organizations are eligible to apply. Because a wide variety of groups and individuals will be affected by the regulations, all should consider contributing their points of view. For example, someone who grew up as a foster child would have valuable recommendations on how the system might better serve children and families. Or a group representing affected parents may wish to contribute the views of its membership.

As explained above, because of limited funds, the Department has decided to fund only four of the ten regional meetings.

How Will Applications be Evaluated?

An Evaluation Board will review all reimbursement applications. Six Department officials (or their designees) will be on the board. The following HHS areas will be represented: Intergovernmental Affairs, Legal, Management and Budget, Public Affairs, Planning and Evaluation, and Consumer

To approve an application, the Board must be able to decide that it meets all the following three criteria:

- 1. The information the applicant plans to present will help the Department to decide the issues in these proposed regulations.
- 2. The applicant represents an interest that otherwise might not be heard.
- 3. The applicant cannot otherwise afford the costs of going to a regional meeting or of preparing written comments.

Each of these three criteria is described in detail below.

Application contents. An application must contain the information necessary to show whether the three criteria are met. It must identify the issues of concern to the applicant, his or her positions on these issues, and whom the applicant speaks for. It must also describe the applicant's financial situation. Following this section on the three selection criteria, there is a separate section on how to prepare a budget to cover anticipated expenses.

To assist applicants, an application form is printed as Appendix B. Additional copies may be obtained by contacting the Demonstration Project office at the address given earlier in this Notice. However, applications will receive equal consideration whether or not they are on this form, as long as they are readable and contain the required information.

When a request for funding is approved, the Board will send a letter of approval with an attached budget. When a request is not approved, a letter will be sent explaining why. Of course, a denial of an application does not affect the applicant's right to participate in commenting on the regulations.

Evaluation Criteria

 The information an applicant plans to present will help the Department to decide the issues in these proposed regulations

There are many ways applicants can help the Department decide how to make sure that the new child welfare regulations are in the best interest of the public. To develop these regulations, the Department needs to know how the new regulations could help to address problems with the current system. Therefore, the Department is interested in hearing about personal experiences, problems with the current system which the new regulations should address, and hard data or collected information on how affected groups and individuals feel about the issues in these regulations.

Personal Experiences. Descriptions of personal experiences in dealing with the current system which are tied directly to certain issues in these regulations are one type of helpful information. For example, a parent, whose children have been in foster care for five years, has been unable to get them back under the present foster care system in that state. In that case, the case review system and the services to reunite families are two issues which crucially affect that parent. To apply, the parent would, in a few sentences, identify those issues, and tell how they affect his or her personal situation. From the information given in the application, the Evaluation Board will determine whether those experiences may help decide the issues in these proposed regulations. If more than one parent applies and proposes to comment on similar issues, the Board may choose to reimburse only the applicants with the most representative experiences and ideas.

Collected Data. The Department is also looking for reliable information and hard data which is collected or can be gathered together, if it ties in directly with issues in the regulations. For instance, a foster parent who is a member of a foster parents' association may have had trouble obtaining services for children placed in his or her home. By surveying the membership of the group about the question of available services, the applicant may find that they have ideas on how to correct this

problem. Collected information of this sort could help show how the regulations could best address this issue.

Another example might be that a person was raised as a foster child and is now in touch with others who grew up under the programs relating to foster children in various states. This person would be in a good position to help the Department by presenting information on the problems of foster children that the regulations should address.

An applicant represents an interest that otherwise might not be heard.

The Department needs to make sure it hears from all types of groups and individuals who are affected in any way by these issues. Therefore, if anyone believes the Department may overlook the views they represent or the group of people they speak for without their participation, they are encouraged to apply

Applicants applying to speak on their own behalf should state whether their views also represent the views of others whom they know about. This information will support the importance for presenting their positions.

Applicants applying on behalf of a group or organization should describe how the group is structured and how many people it includes. They should also show how it is accountable to its membership or constituents and make sure that an officer of the group signs the application form.

An application should show how the applicant is affected by the issues he or she wishes to speak about. Because it is important that the Department hears from as many types of affected people and groups as possible, this information will be very useful. The Board has the discretion to ensure that the applicants it selects represent a mix of geographic regions, cultural and ethnic groups, and points of view.

 An applicant cannot otherwise afford the costs of going to a regional meeting or of preparing written comments.

The Department can approve reimbursement only if an applicant cannot otherwise afford to participate. Once the Evaluation Board decides that an applicant's presentation would be an important contribution, it must also decide that the applicant could not otherwise afford to go to a selected regional meeting or to prepare written comments without reimbursement. The Department assumes that persons can afford to attend a meeting if they live in or reasonably near the city in which it is held, and that they can afford to prepare written comments unless they plan to conduct a survey of group membership

for their particular views or to gather extensive information to back up their views.

The reasons an applicant requires reimbursement should be listed in the second part of the application. Individuals must explain why they need funding to participate (to travel to a meeting or to prepare comments). The application form requests applicants to list their income and the number of dependents they have. There is also space to indicate whether an applicant has any large ongoing expenses, such as college, medical, or day care costs. There are no limits on how much money an individual can earn and still be eligible for financial assistance. These facts will be considered in determining who will receive financial assistance.

Applicants who represent a group or organization must list the operating expenses of the group for the last 12 months (if possible) and must also list their sources of funds and how these funds are used to further the group's goals. Any further financial information which would be helpful to the Evaluation Board can also be included.

Application and Award Procedures

Application Deadline. It is to the applicant's advantage to apply as soon as possible. Applications for travel assistance must be postmarked no later than three weeks before the date of the meeting. Applications for written comments must be submitted no later than three weeks after the proposed regulations are published. The exact deadline for written comment applications will be published with the proposed regulations. Any applications postmarked or delivered after these dates will be considered only at the discretion of the Evaluation Board.

Reimbursable Expenses. Reimbursable expenses for attending a regional meeting on the regulations may include travel, lodging, and meals. Certain costs of preparing written comments are also reimbursable. For example, an applicant group may want to survey its membership for their views on issues in the regulations. Or, an applicant may wish to collect important information to explain some of his or her positions. Costs relating to this work are reimbursable, but must be explained in detail in the application. The Department will not, however, consider reimbursement for any work performed before the application is approved. Also, any costs incurred in preparing an application are not reimbursable.

Appendix A explains in detail the costs the Department will pay for. It also explains that a "transportation request" will be provided if an applicant is

approved for travel to a selected regional meeting and must buy a train or plane ticket. By using the "transportation request" to buy the ticket, the applicant need not use his or her own money to do so. The range of expenses approved for travel to a meeting will probably not be above \$300 or \$400-including air fare and hotel and meals. In total, the Department hopes to enable 8-10 qualified applicants to attend each selected regional meeting (Philadelphia, Kansas City, Denver, and Seattle). For surveys or other costs of preparing written comments, reimbursed expenses will probably range from \$50 to \$500.

Budget

The last part of the application is the budget, in which all the anticipated costs of providing the information outlined in the application itself are listed. (The application form, Appendix B, includes a budget form.) Anticipated costs should be divided into two sections. The first section is for travel and lodging costs, for attending a regional meeting. The second is for any expenses involved in preparing written comments. Appendix A outlines how to fill in the budget form.

Reimbursement

The Department will not reimburse approved participants for more than the approved amounts. Reimbursement claims may be sent in as soon as participation is completed. Claims must contain proof of all expenses incurred, such as copies of plane receipts, hotel bills, lists of your meal costs, and telephone bills. If data was gathered or a survey was conducted according to a plan approved by the Department, an itemized list of out-of-pocket costs of getting it done must be submitted.

The Department will review reimbursement claims to make sure they are complete and that they conform with the approved agreements. Checks for approved claims will be mailed directly to participants from the U.S. Treasury Department. If a reimbursement claim is complete, it should take about three or four weeks for a participant to receive reimbursement from the Treasury Department.

Because this demonstration project uses federal funds, participants will need to keep a copy of their claimed expenses for their records if they are part of this program.

Evaluation of the Demonstration Project

This project is designed to (a) increase significant public participation in the Department's consideration of proposed regulations; (b) establish a more

balanced record of the proceedings; and (c) encourage the expression of a greater diversity of viewpoints. The continuation of such projects on a larger scale will, in large part, depend on how well this demonstration project meets these goals. The Department will ask participants in this project to provide their own written comments on this project when it is over, as part of an overall evaluation.

Dated: December 5, 1980. Patricia Roberts Harris, Secretary.

Appendix A.—Reimbursable Expenses

This demonstration project covers costs of two ways of commenting on the proposed regulations: (1) The costs of attending the regional meeting closest to the applicant's home; and (2) the costs of preparing written comments.

In both cases, the Department will reimburse only for out-of-pocket costs. This means that applicants will not be reimbursed for taking leave from work to go to meetings or to prepare comments.

(1) Expenses For Attending a Regional

As applications are approved, the Department will inform applicants of their approved budgets. If approved applicants need to buy train or plane tickets, the Department will send them "transportation requests" so that they needn't use their own money to do so. A "travel voucher" will also be enclosed, with a sample showing how to fill it out to get repaid.

To fill out the travel budget section of the application form (section 4a), applicants must explain how they plan to travel (bus, train, plane or driving one's own car) and state how much their travel expenses will be. Repayment for driving one's own car is allowed at 22.5 cents per mile. In any event, applicants must choose the most direct way to travel to the meetings.

Taxicab and airport limousine fares (plus tips of 15 percent) to and from airport, train, or bus terminals are also reimbursable. Applicants who plan to drive to, and then park at, terminals can be reimbursed for parking fees as long as the mileage reimbursement plus parking fees do not exceed their estimated costs for the round trip use of taxicabs. Finally, costs of local transportation used between lodging and the regional meetings are reimbursable, as long as these costs are all estimated in application budgets.

Up to 50 percent of the designated rate per day is allowed for the cost of meals, if no lodging is involved. Because receipts are required for meals costing

over \$15, participants must keep a list of how much each meal costs. In addition, they need to state whether they will need to stay overnight. If so, they can be reimbursed for hotel or motel costs. The total reimbursement for both lodging and meals cannot be over the designated rates for the cities in which the meetings take place. The designated rates for the cities in which meetings are scheduled are as follows:

	Per day
Boston, MA.	\$66
New York, NY	75
Philadelphia, PA	75
Atlanta, GA	56
Chicago II	74
Kansas City, MO	68
Dallas, TX	71
Denver, CO.	67
Seattle, WA	72
San Francisco, CA	75

(2) If Gathering Information for Comments Costs Money

To prepare comments, applicants may want to survey memberships for their views or experiences or gather other types of helpful data. if this work will cost money, applicants must fill out section 4b of the application form, listing the items on the spaces on the left side of the application budget and giving the estimated maximum costs on the right side.

Reimbursement is also available for necessary long distance telephone calls, as well as for costs, such as driving to different locations to collect information, copying and mailing expenses for questionnaires and other material, and any other reasonable costs. Applicants must be sure to estimate, on the right hand side of the budget, the maximum costs they anticipate for each item.

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APPENDIX B

Department of Health and Human Services

APPLICATION FOR REIMBURSEMENT OF EXPENSES

Please type if possible, or use a pen, to fill out this application.

1.
NAME:
ADDRESS:
PHONE NUMBER (during the day):
NAME OF ORGANIZATION (if you represent a group):
 Complete the Sentences. (If you need more space, continue your answers on separate paper.)
a. These are the issues listed in these regulations which are most important to me (or my organization):
THE THERE WE ARE SO THE THE PARTY OF THE PAR
b. This is why these issues affect me (or my organization):

THE REAL PROPERTY.	
3. Fi	nancial Information
a.	FOR INDIVIDUALS ONLY:
	under \$50
(1	
	over \$25,000
(2) The number of dependents I support on my income is
12	(check one): none
	5 or more
(3	Why I cannot afford to participate without reimbursement (you can add here any extra information about you financial situation that you think we should knowsu as college expenses, large medical costs which you may):
	- budant
b	FOR GROUPS ONLY (If you or your group has a budget showing income and expenses for this year, you can send us a copy of that instead of filling out items 1-4 of this section. You must still answer #5.)
	(1) Our yearly income is: \$
	(3) Where we get our money (e.g., federal funds, st or local funds, contributions, membership dues)

	clerical help, printing and postage, services for our members, travel to meetings):					
(5)	Why we cannot afford to participate without reimbursement:					
4. Budget (Turn to Appendix B for more information to help you figure out your budget.)						
a. FOR ta	a. FOR ATTENDING A REGIONAL MEETING (travel costs, meals, taxi fares):					
Near	Nearest regional meeting to where I live:					
City	of regional meeting:					
How	I will travel to meeting:					
	ITEM ESTIMATED COST					
	\$ and the same of					
	English to the second of the s					
	Subtotal: \$					

b.	FOR WRITTEN COMMENTS (survey costs such as long distance telephone calls, driving to different locations, copying expenses for questionnaires; other costs of gathering evidence, data, or information):					
	ITEM		ESTIMATED COSTS			
			\$			
	-					
		2.11-1-2				
	THE REAL PROPERTY.	Subtotal:	-			
		TOTAL (a & b)	\$			
	The state of the s		Contract Contract Contract			
CERTIFICATION						
I ce	ertify that the inforcorrect.	rmation I have p	out in this applica-			
	Sign here	e please:				
	TECH CITY TO					
		(1	Name)			
		(Title	e, if any)			

[FR Doc. 80-38258 Filed 12-16-80; 8:45 am] BILLING CODE 4110-12-C



Wednesday December 17, 1980



Department of Agriculture

Federal Grain Inspection Service

Revision to the Warehouseman's Sample-Lot Inspection Certificate



DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 800

Revision to the Warehouseman's Sample-Lot Inspection Certificate

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Federal Grain Inspection Service (FGIS or Service) is revising the Warehouseman's Sample-Lot Inspection Certificate by adding two qualifying statements. Adding of the qualifying statements will clarify the certificates as to the nature of the inspection service rendered and their status under the United States Grain Standards Act (Act), as amended.

EFFECTIVE DATE: June 17, 1981.

FOR FURTHER INFORMATION CONTACT: John W. Marshall, Director, Inspection Division, USDA, FGIS, Room 0627–South Building, 1400 Independence Avenue, SW., Washington, D.C. 20250, telephone [202] 447–8497.

The Final Impact Statement describing the options considered in developing this rule and the impact of implementing each option is available on request from: Director, Issuance and Coordination Staff, USDA, FGIS, Room 1127 Auditors Building, 1400 Independence Avenue, SW., Washington, D.C. 20250, telephone (202) 447–3910.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been classified "not significant."

Proposed rulemaking was published on pages 52337–52339 of the Federal Register of August 6, 1980, and invited comments for 60 days ending October 6, 1980.

Three comments were received, all in favor of the proposal. The commentors agreed that additional statements will assure that all parties in the grain industry fully understand the inherent limitations of the Warehouseman's Sample-Lot Inspection Certificate. Based on these comments and other information made available to FGIS, the Warehouseman's Sample-Lot Inspection Certificate is being revised.

Under the authority in Section 16(a) of the Act, notice is hereby given that the Administrator of the FGIS is amending § 800.161(b)(23) (7 CFR 800.161(b)(23)) of the regulations under the Act to include two statements further qualifying the Warehouseman's Sample-Lot Inspection Certificate.

Paragraph (b)(23) of § 800:161 of the regulations under the Act is amended to read as follows:

§ 800.161 Official certificate requirements.

(B) * * *

(23) Warehouseman's sample-lot inspection. For a certificate for a warehouseman's sample-lot inspection service, the name of the licensed employee, the number of the contract entered into by the licensed employee. and the statements: (i) in bold print. "The results of this inspection were based on a sample obtained and submitted by an elevator employee licensed under a contract with the Service. This certificate does not meet the inspection requirements of Section 5 of the Act." and (ii) in ghost or shadow type diagonally across the face of the certificate, the word "QUALIFIED."

(Sec. 18, Pub. L. 94-582, 90 Stat. 2884 (7 U.S.C. 87 e))

*

Done in Washington, D.C., on December 10, 1980.

L. E. Bartelt.

Administrator.

[FR Doc. 80-39227 Filed 12-16-80; 8:45 am]

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* *



Wednesday, December 17, 1980

Part VIII

Department of Agriculture

Federal Grain Inspection Service

Official Agency Voluntary Cancellation Request for Applications for Official Agency Designation

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Official Agency Voluntary Cancellation; Request for Applications for Official Agency Designation

AGENCY: Federal Grain Inspection Service.

ACTION: Notice and Request for Comments and Applications.

SUMMARY: This notice announces that A. E. Herron, Pittsford, New York, voluntarily canceled its designation as an official agency effective at 12 p.m. on May 31, 1981. The Federal Grain Inspection Service (FGIS) requests comments on the need for designation of a replacement agency for the geographic area serviced by A. E. Herron. Comments are also requested on the need for official inspection and weighing services in the remainder of the State of New York, excluding export port locations. Contingent upon such need, interested persons are invited to make applications for designation to operate as an official agency in all or any part of the State of New York, excluding export port locations.

effective date: Comments/ applications to be postmarked on or before February 17, 1981.

ADDRESS: Comments should be submitted to USDA, FGIS, Issuance and Coordination Staff, Room 1127, Auditors Building, 1400 Independence Avenue, SW., Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250; (202) 447–8262.

SUPPLEMENTARY INFORMATION: A. E. Herron (the "Agency"), Pittsford, New York, was designated as an official agency under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 et seq.) (the "Act"), for the performance of official grain inspection functions on August 31, 1978. By Agency request, A. E. Herron has voluntarily canceled its designation to operate as an official agency effective at 12 p.m. on May 31, 1981.

The Agency is presently, and will continue to provide until 12 p.m. on May 31, 1981, offical inspection services in its assigned geographic area within Pittsford Township, New York. During the period October 1, 1978, through September 30, 1980, the Agency conducted 2,186 inspections, 97.4 percent of which were submitted samples. No official agency has been designated to perform official inspection and weighing services in the remainder

of the State of New York, excluding export port locations.

FGIS will continue to provide official services at the export port locations in the State of New York in accordance with Section 7(e)(1) of the Act. Accordingly, FGIS requests comments from the grain trade and other interested parties with respect to the need for designation of a replacement agency to provide official inspection services in the geographic area serviced by the Agency subsequent to May 31, 1981. Further comments are requested on the need for official inspection and weighing services in the remainder of the State of New York, excluding export port locations. All comments should be submitted in writing and mailed to the Issuance and Coordination Staff, specified in the address section of this notice and be postmarked not later than February 17, 1981.

Under the provisions of Sections 7(f) and 7A of the Act and section 800.196(b) of the regulations, and subject to a final determination by the Administrator as to the need for official grain inspection and weighing services in the State of New York, excluding export port locations, interested persons are hereby given opportunity to make application for designation to operate as an offical agency in all or any part of the State of New York, excluding export port locations (7 U.S.C. 79(f) and 79(a) and 7 CFR 800.196(b)). Persons wishing to apply for designation to operate as an official agency in this geographic area should contact the Office of the Director, Compliance Division, at the address listed above for the appropriate forms and information. Applications must be postmarked not later than February 17. 1981 to be eligible for consideration.

In making a final determination as to the need for a replacement agency to provide official inspection services in the geographic area serviced by A. E. Herron and as to the need for official inspection and weighing services in the remainder of the State of New York, excluding export port locations, consideration will be given to all comments filed, any applications submitted, and all other information available to the Administrator. All applications submitted pursuant to this notice will be made available for public inspection at the Office of the Director, Compliance Division, during regular business hours. All comments submitted pursuant to this notice will be made available for public inspection at the Issuance and Coordination Staff during normal business hours.

(Secs. 8 and 9, Pub. L. 94–582, 90 Stat. 2873, 2877 (7 U.S.C. 79, 79a))

Done in Washington, D.C. on December 10, 1980.

J. T. Abshier,

Director, Compliance Division. [FR Doc. 80-39226 Filed 12-16-80: 8:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator. Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

NOTE: As of September 2, 1980, documents from the Animal and Plant Health Inspection Service, Department of Agriculture, will no longer be assigned to the Tuesday/Friday publication schedule.

REMINDERS

The "reminders" below identify documents that appeared in issues of the Federal Register 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

Note: There were no items eligible for inclusion in the list of Rules Going Into Effect Today.

Deadlines for Comments On Proposed Rules for the Week of December 21, 1980 through December 27, 1980

AGRICULTURE DEPARTMENT

Farmers Home Administration-

69847 10-22-80 / Insured emergency loans; graduation review, etc.; comments by 12-22-80

69469 10-21-80 / Housing-Mobile home and mobile home site loans; comments by 12-22-80

Food and Nutrition Service-

80804 12-5-80 / Food Stamp Program; monthly reporting/ retrospective accounting demonstration project, comments by 12-22-80

70473 10-24-80 / Provisions for handling suspected fraud and criminal acts in school nutrition program; comments by 12-23-80

Office of the Secretary—

70471 10-24-80 / Proposed changes in 4-H Club name and emblem; comments by 12-23-80

Rural Electrification Administration-

78157 11–25–80 / Proposed adoption of a uniform system of accounts for community antenna television utilities; comments by 12–26–80

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

12–9–80 / Ocean thermal energy conversion regulations;
comments by 12–24–80

DEFENSE DEPARTMENT

Army Department-

78727 11-26-80 / Privacy Act of 1974; amendment of regulations; comments by 12-26-80

Navy Department—

76713

11–20–80 / Personal privacy and rights of individuals regarding records pertaining to themselves; comments by 12–22–80

ENERGY DEPARTMENT

Conservation and Solar Energy Office-

66620 10-7-80 / Federal Energy Management and Planning Programs; Methodology and Procedures for Life Cycle Cost and Analysis (marginal prices and adjustments); comments by 12-24-80

[See also 45 FR 71326, 10-27-80]

ENVIRONMENTAL PROTECTION AGENCY

77459 11-24-80 / Air pollution control, New Jersey; alternative emission reduction options within State implementation plan for multiple sources of volatile organic compounds; comments by 12-24-80

76714 11–20–80 / Air quality implementation plans; Connecticut; comments by 12–22–80

76715 11-20-80 / Hazardous waste management; submission for approval of Oklahoma Interim Authorization Plan, Phase I; comments by 12-22-80

77465 11-24-80 / Air quality, Ohio; sulfur dioxide emissions from B. F. Goodrich Co.; comments by 12-24-80

75240 11–14–80 / Alabama's application for interim authorization, Phase I, Hazardous Waste Management Program; comments by 12–22–80

77075 11-21-80 / Approval and promulgation of State implementation plans; revision to Wyoming regulations; comments by 12-22-80

77053 11-21-80 / Approval and promulgation of implementation plans; State of Missouri; comments by 12-22-80

77077 11-21-80 / Calcium hypochlorite; exemption from requirement of tolerance; comments by 12-22-80

77078 11-21-80 / Certain inert ingredients; exemption from the requirement of a tolerance; comments by 12-22-80

75241 11–14–80 / Delaware application for interim authorization, Phase I; Hazardous Waste Management Program; comments by 12–22–80

		TO STATE	HEALTH AND HUMAN SERVICES DEPARTMENT
70515	10-24-80 / Designation of areas for air quality planning purposes, section 107 attainment status designations;		Child Support Enforcement Office—
	comments by 12-23-80	69495	Child Support Enforcement Program; comments by
77079	11–21–80 / Fungicide 5-ethoxy-3-trichloromethyl-1,2,4- thiadiazole; proposed tolerance; comments by 12–22–80	05455	12-22-80
74945	11-13-80 / Georgia's application for interim authorization,	-	Food and Drug Administration—
	Phase I. Hazardous Waste Management Program; comments by 12–22–80	63876	9-26-80 / Anorectal drug products (OTC); reopening of record for camphor-containing products; reply comments
77079	11-21-80 / Isophorune; exemption from the requirement of a tolerance; comments by 12-22-80	69817	by 12–26–80 10–21–80 / Caffeine; deletion of GRAS status; proposed
76210	11–18–80 / Massachusetts application for interim authorization, Phase I, Hazardous Waste Management Program; comments by 12–24–80		declaration that no prior sanction exists; and use on an interim basis pending additional study; comments by 12–22–80
****	[See also 45 FR 33063, 5–19–80]	63874	9-26-80 / Cold, cough, allergy, bronchodilator, and
78730, 78734	11–26–80 / Michigan State Implementation Plan; State and Federal administrative orders; comments by 12–26–80 (2 documents)		antiasthmatic products (OTC); reopening of record for camphor-containing drug products; reply comments by 12–26–80
78731	11-26-80 / Minnesota; approval and promulgation of	63878	9-26-80 / External analgesic drug products (OTC);
77075	implementation plan; comments by 12–26–80 11–21–80 / Review of standards of performance for new		reopening of record for camphor-containing products; reply comments by 12–26–80
	stationary sources; phosphate fertilizer plants; comments by 12–22–80	76998	11-21-80 / Providing for the safe use of 5-ethyl-1,3- diglycidyl-5-methylhydanfoin as a component of adhesive
73523	11-5-80 / Revisions of the procedural regulations		formulations employed in the manufacture of food-
	governing the Rebuttal Presumption Against Registration (RPAR) process and conduct of hearings under section 6 of		packaging materials; objections by 12–22–80
	the Federal Insecticide, Fungicide and Rodenticide Act	76999	11-21-80 / Providing for the use of octadecyl 3,5-di-tert- butyl-4-hydroxy-hydrocinnamate as an antioxidant and/or
	(FIFRA); comments extended from 11–5–80 to 12–22–80		stabilizer for polymers in food-contact applications;
	[See also 45 FR 52628, 8-7-80] FEDERAL COMMUNICATIONS COMMISSION		objections by 12–22–80
69499	10-21-80 / FM broadcast station in Alliance, Nebr.; proposed changes in tables of assignments; reply	76997	11–21–80 / Providing for the use of chloride copolymer coatings for nylon film; objections by 12–22–80
69502	comments by 12–22–80 10–21–80 / FM-broadcast station in Hilton Head Island,	69816	10-21-80 / Soda water; standard of identity; comments by 12-22-80
03302	S.C.; proposed changes in table of assignments; reply		Health Care Financing Administration—
79842	comments by 12-22-80 12-2-80 / FM broadcast station in Munsing, Mich.; reply	70516	10-24-80 / Revision of time requirements for reviews of medicaid quality control; comments by 12-23-80
	comments period extended to 12–21–80 [See also 45 FR 63530, 8–16–80]		Social Security Administration—
79516	12-1-80 / Radio broadcast services TV channels 5 and 6 and FM channels 251-300 in the State of Hawaii; comments by 12-24-80	70521	10-24-80 / Public assistance program quality control system review completion requirements; comments by 12-23-80
69501	10-21-80 / TV broadcast stations in Madisonville,		INTERIOR DEPARTMENT
	Owensboro and Princeton, Ky., proposed changes in tables of assignments; reply comments by 12–22–80		Fish and Wildlife Service—
69497	10-21-80 / TV broadcast station in Rio Grande City, Tex.; proposed changes in table of assignments; reply comments by 12-22-80	70949	10-27-80 / Endangered and Threatened plants; proposal to determine paronychia argyrocoma var. albimontan a (silvering), to be threatened species; comments by
73718	11-6-80 / TV broadcast station in Sierra Vista, Ariz., proposed changes in table of assignments; comments by		12-26-80 Indian Affairs Bureau—
	12-22-80	69932	10-22-80 / Indian mineral development regulations;
1 - 7- 12	FEDERAL EMERGENCY MANAGEMENT AGENCY	03332	comments extended from 10–10–80 to 12–22–80
78181	11-25-80 / National Flood Insurance Program coverage; sales and loss prevention provisions; comments by		[See also 45 FR 53164, 8-11-80]
	12-26-80		National Park Service—
69904	10–22–80 / Radiological emergency response planning and preparedness; comments by 12–22–80 FEDERAL RESERVE SYSTEM	77049	11-21-80 / Motor boat regulations; restricted access to cave systems; Buffalo National River, Ark.; comments by 12-22-80
69470	10-21-80 / Equal credit opportunity; comments extended		Surface Mining Reclamation and Enforcement Office—
	to 12-22-80	78499	11-25-80 / Partial approval and disapproval of Indiana's
	[First published at 45 FR 56818, 8–26–80] FEDERAL TRADE COMMISSION		proposed State program for the regulation of surface coal mining and reclamation operations; as amended; comments by 12–26–80
70882,	10-27-80 / Chrysler Corp. et al.; prohibited trade practices; consent agreement and analysis, (2 documents); comments		INTERIOR DEPARTMENT
10003	by 12–26–80		Surface Mining Reclamation and Enforcement Office—
69470	10-21-80 / Control Data Corp., et al.; consent agreement with analysis to aid public comment; comments by	80837	12-8-80 / Resubmitted Oklahoma permanent regulatory program; comments by 12-24-80
66474	12-22-80 10-7-80 / Credit practices; extension of post-record		INTERSTATE COMMERCE COMMISSION
	comment period from 10-21-80 to 12-22-80	73524	11-5-80 / Car hire charges; zone of reasonableness;

comments by 12-22-80

[See also 43 FR 47197, 10-13-78 and 45 FR 56070, 8-22-80]

73481	11-5-80 / Railroad transportation contracts; (interim rules); comments by by 12-22-80	75478	10-24-80 / Reporting requirements for certain grantor trusts: comments by 12-23-80	
73981	11-7-80 / Revision of vehicle leasing regulations: comments by 12-22-80		VETERANS ADMINISTRATION	
	LABOR DEPARTMENT	77050	11-21-80 / Veterans education; Farm cooperative courses, comments by 12-22-80	
	Occupational Safety and Health Administration—		Comments by 12-22-00	
77048	11-21-80 / Proposed supplement to Arizona State plan; comments by 12-22-80		Deadlines for Comments On Proposed Rules for the Weel of December 28 through January 3, 1981	
	Office of the Secretary—		THE PRESIDENT	
77047	11–21–80 / General provisions; waiver of rulemaking exemption; comments by 12–22–80	79407	12-1-80 / Intent to suspend meat import limitations for calendar year 1981; comments by 12-31-80	
	NAVAJO AND HOPI INDIAN RELOCATION COMMISSION			
76710	11-20-80 / Relocation; life estate leases; comments by		Agricultural Marketing Service—	
	12-22-80	60447	9-12-80 / Almonds grown in Calif.; formula for computing	
1431	NUCLEAR REGULATORY COMMISSION	00.11	"adjusted kernal weight"; comments by 12-30-80	
79819	12-2-80 / Action Plan developed as a result of the Three Mile Island accident; comment period extended from 12-12-80 to 12-24-80	75956	11–17–80 / Milk marketing orders all areas; reconstituted milk; preliminary impact statement; comments by 1–2–81	
	[See also 45 FR 50613, 7-30-80 and 45 FR 76446, 11-19-80]		Commodity Credit Corporation—	
	PERSONNEL MANAGEMENT OFFICE	79492	12-1-80 / 1981 Crop Gum Naval Stores Support program; comments by 12-31-80	
59469	10-21-80 / Reduction in force; qualifications for		Federal Grain Inspection Service—	
	assignment; comments by 12–22–80 SECURITIES AND EXCHANGE COMMISSION	71486	10-28-80 / Proposed revision to U.S. Standards for beans; comments by 12-29-80	
8157	11-25-80 / Proposed availability of simplified registration		Food Safety and Quality Service—	
	form to certain mining companies; comments by 12–21–80 STATE DEPARTMENT	72197	10-31-80 / Delegation of certain labeling approval authority to Inspectors-in-Charge in the field; comments by	
0282	10-23-80 / Denial of passport facilities in cases involving a		12-31-80	
	criminal court order; comments by 12-23-80	73085	CIVIL AERONAUTICS BOARD	
78163	11–25–80 / Proposed requirement for possession of individual passport by children under thirteen; comments by 12–26–80	73085	11–4–80 / Imposition of two-year limit for starting service or continuing service after a fitness determination; reply comments by 12–30–80	
	TRANSPORTATION DEPARTMENT		COMMERCE DEPARTMENT	
	Office of the Secretary—		National Oceanic and Atmospheric Administration—	
71236	10–27–80 / Washington National Airport; special air traffic rules and airport traffic patterns; allocation of hourly number of instrument flight operations; comments by	79846	12-2-80 / Amendment to preliminary fishery management plan for seamount groundfish fishery resources; comments by 1-2-81	
	12-26-80 TREASURY DEPARTMENT	78738	11-26-80 / Atlantic bluefin tuna fishery; comments by 12-29-80	
0910,	Alcohol, Tobacco, and Firearms Bureau—	79844	12-2-80 / Atlantic bluefin tuna provisions; comments by 12-29-80	
70911,	10–27–80 / Alcoholic beverages; establishment of viticulture areas for wine labeling; Fennville, Mich.; Geunoc, Lime Kiln, and San Pasqual Valleys, Calif. (4	73077	11-4-80 / Commercial tanner crab fishery off Alaska; fina regulations; comments by 1-1-81	
70914	documents); comments by 12–12–80	79089	11–28–80 / Deep seabed mining; availability of discussion paper; comments by 12–31–80	
70907	Customs Service— 10-27-80 / Bonded merchandise, carriage by private carriers; simplification of requirements; comments by	81633	12-11-80 / Foreign fishing for Billfish, Oceanic Sharks, Wahoo, and Mahi Mahi in the Pacific Ocean; comments by 12-28-80	
70476	12-26-80 10-24-80 / Personal declarations and exemptions; comments by 12-23-80	80845	12-8-80 / Foreign trawl fisheries of the Northwest Atlantic approval of preliminary fishery management plan amendment; comments by 12-29-80	
	[See also 45 FR 78704, 11–26–80]	74525	11-10-80 / Groundfish fishery in Bering Sea—Aleutian Island area fishery management plan; comments by 1-1-8:	
59933	Internal Revenue Service— 10–22–80 / Gift taxes; transfer of life income interest;	74178	11-7-80 / Plan approval and proposed regulations for shrimp fishery of the Gulf of Mexico; comments by 1-1-81	
	exercise of nongeneral powers of appointment; comments by 12-22-80	81633	12-11-80 / Snail fishery of the Eastern Bering Sea	
0837	12-8-80 / Imputed interest rates; comments by 12-24-80		Preliminary Fishery Mangement Plan Amendment and proposed regulations; comments by 12-29-80	
0909	10-27-80 / Limited partnerships; tax classification;	79126	11-28-80 / Trawl Fisheries and Herring Gillnet Fishery of	
9933	comments by 12–26–80 10–22–80 / Manufacturers and retailers excise taxes on special fuels; comments by 12–22–80		the Eastern Bering Sea and Northeast Pacific; Preliminary Fishery Management Plan Amendment; comments by 12–28–80	

	CONSUMER PRODUCT SAFETY COMMISSION	78735	11-26-80 / FM broadcast station in Los Lunas, N. Mex.; changes in table of assignments; comments by 12-30-80
76018	11-17-80 / Coal and wood burning appliances; performance provisions and technical data supplied to consumer; comments by 1-2-81	73720	11-6-80 / FM broadcast station in North Las Vegas, Nevada: proposed changes in table of assignments; comments by 12-29-80
	DEFENSE DEPARTMENT Engineer Corps—	73980	11-7-80 / FM broadcast station in St. Johnsburg, VT.;
79836	12-2-80 / Permit regulations for controlling certain activities in waters of the United States; comment period extended to 12-31-80	71384	changes in table of assignments; comments by 12–29–80 10–28–80 / Policies governing ownership and operation of domestic satellite earth stations in Alaskan Bush communities; comments by 12–29–80
	[See also 45 FR 62732, 9-19-80]		FEDERAL HOME LOAN BANK BOARD
	ENERGY DEPARTMENT	72681	11-3-80 / Mergers of savings and loan associations;
	Office of the Secretary—		treatment of goodwill in calculating net worth and discounts, on assets; comments by 12–31–80
71498	10-28-80 / Consolidated State Grant Programs; comments by 12-29-80	72675	11-3-80 / Renegotiable rate mortgage; maximum annual interest-rate changes and grouping of loans; conforming
71538	10-28-80 / Air pollution; standards of performance for new stationary sources; publication rotogravure printing;		alternative mortgage instrument amendments; comments by 12–30–80
	comments by 12-29-80		GENERAL SERVICES ADMINISTRATION
79514	12-1-80 / Approval and promulgation of implementation plans; proposed approval of Oklahoma State Variance;	72714	11-3-80 / Public availability of Agency records and informational materials; comments by 1-2-81 Public Buildings; Service—
79514	comments by 12–31–80 12–1–80 / Approval and promulgation of implementation plans; Texas emission offsets; comments by 12–31–80	72713	11-3-80 / Display of the Code of Ethics for Government Service; comments by 1-2-81
72217	10-31-80 / Consideration of Guam Implementation Plan		HEALTH AND HUMAN SERVICES DEPARTMENT
76147	Revision; comments by 12–30–80	72110	10-31-80 / Coverage of employees of State and local governments; interim regulations; comments by 12-30-80
	disposal facilities and practices; accumulation of cadmium by food-chain crops grown on land amended with solid		Food and Drug Administration—
	waste containing cadmium; interim final regulations; comments by 1-2-81	72200	10–31–80 / Bioequivalence requirements for quinidine; comments by 12–30–80
72883	11-3-80 / General pretreatment regulations for existing and new sources, grace period for NPDES States;	65609	10-3-80 / Wart remover drug products (OTC), monograp establishment; comments by 1-2-81
70005	comments by 1-2-81 10-30-80 / Hazardous waste; identification and listing:		[Correct at 45 FR 80551, 12–5–80]
72035	chromium; comments by 12-30-80	71791	Social Security Administration— 10–30–80 / Federal old-age, survivors, and disability
72029	10–30–80 / Hazardous waste; identification and listing; hexavalent chromium, extraction procedure (EP) toxicity; comments by 12–30–80	11131	insurance benefits; payment for medical evidence of record; comments by 12-29-80
72027	10-30-80 / Hazardous waste management system; general		HOUSING AND URBAN DEVELOPMENT DEPARTMENT
	and identification and listing of hazardous waste; comments by 12–29–80	The Control of the Co	Community Planning and Development, Office of the Assistant Secretary—
79119	11-28-80 / O.O-dimethyl S-[4-oxo-1,2,3-benzotriazin-3(4H)-yl)methyl]phosphorodithiote; proposed tolerances;	72691	11-3-80 / Community Development Block Grants; Small Cities Program; comments by 1-2-81 [Corrected at 45 FR 73512, 11-5-80]
79836	comments by 12–29–80 12–2–80 / Proposed approval, with exception, of reasonably available control technology regulations;	72691	11–3–80 / Community Development Block Grants; Small Cities Program; Puerto Rico; comments by 1–2–81
79838	comments by 1-2-81 12-2-80 / Proposed delayed S.I.P. compliance order for		Federal Housing Commissioner—Office of the Assistant Secretary for Housing—
	Virginia Electric and Power Co's. Possum Point generating station; comments by 1-2-81	72697	11-3-80 / Low-income housing; Section 8 existing housing assistance payments program; eviction procedures;
76147	11-18-80 / Solid waste disposal facilities and practices; criteria for classification; interim regulations; comments by 1-2-81	72688	comments by 1-2-81 11-3-80 / Minimum property standards; particleboard interior stair treads and certification program; comment
	FEDERAL COMMUNICATIONS COMMISSION		by 1-2-81
81079	12–9–80 / FM broadcast stations in Aguada, Arecibo, Cidra, Lajas, Manati, Mayaquez, Quebradillas, and Utuado, P.R.; reply comments period extended to 1–3–81	72668	11–3–80 / Proposed Use of Materials Bulletin No. 70a Particleboard Interior Stair Treads and Certification Program; comments by 1–2–81
	[See also 45 FR 58624, 9–4–80]		[Corrected at 45 FR 73512, Nov. 5, 1980]
73719	11–6–80 / FM broadcast Station in Andrews and Pawley's Island, S.C., proposed changes in table of assignment:		INTERIOR DEPARTMENT Indian Affairs Bureau—
81080	comments by 12–29–80 12–9–80 / FM broadcast stations in Farmville and Appomattox, Va.: reply comments period extended to	79094	11-28-80 / Heritage preservation; comments period extended to 12-30-80
	Appomattox, Va.; reply comments period extended to 12–28–80 [See also 45 FR 63532, 9–17–80]		[See also 45 FR 60923, 9-15-80]
	[Dec mod do 11 double of 1 od]		

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-	Surface Mining Reclamation and Enforcement Office—
71371	10-28-80 / Abandoned Mine Lands Reclamation Program; comments by 1-3-81
74943	11-3-80 / Commonwealth of Pennsylvania's abandoned mine land reclamation plan; comments by 1-3-81
73512	11-5-80 / West Virginia; abandoned mine lands reclamation program; comments by 1-3-81
	INTERSTATE COMMERCE COMMISSION
79122	11-28-80 / Improvement of TOFC/COFC regulation; comments by 12-29-80
	JUSTICE DEPARTMENT
	Attorney General—
79095	11-28-80 / Standards for inmate grievence procedures; comments by 12-29-80
	LABOR DEPARTMENT
	Occupational Safety and Health Administration—
75238	11-14-80 / Occupational safety and health for conveyors; reopening of record to introduce new information; comments by 12-29-80
75232	11-14-80 / Walkaround compensation; comments by 12-29-80
	NATIONAL CREDIT UNION ADMINISTRATION
79079	11–28–80 / Real estate lending—deregulation; comments by 12–31–80
	NUCLEAR REGULATORY COMMISSION
65474	10-2-80 / Domestic licensing of production and utilization facilities; comments by 12-31-80
71807	10-30-80 / NRC's jurisdiction over persons using byproduct, source and special nuclear material in offshore waters beyond agreement States' territorial waters; comments by 12-29-80
	[Corrected at 45 FR 78700, 11-26-80]
66754	10-7-80 / Proposed general statement of policy and procedure for enforcement actions; comments by 12-31-80
	PERSONNEL MANAGEMENT OFFICE
71363	10-28-80 / Reduction in force rules; identification of positions with a transferring function; comments by 12-29-80
	SECURITIES AND EXCHANGE COMMISSION
73509	11-5-80 / Allocation of consolidated Federal income tax liability by registered holding companies and their subsidiaries; comments by 12-31-80
75182	11-14-80 / Interim notice-of-sales form for transactions; comments by 12-31-80
	SELECTIVE SERVICE SYSTEM
80125	12-3-80 / Revision of regulations, draft; comments by

1-1-81

12-30-80

73716

75098

71990

70261

71990

Coast Guard-

TRANSPORTATION DEPARTMENT

skills; comments by 12-31-80

rules; comments by 12-29-80

Office of the Secretary-

Federal Aviation Administration—

Federal Highway Administration-

11-6-80 / Radar observer endorsement; demonstration of

11-13-80 / General Operating and Flight Rules; issuance of

Notices to Airmen, for communicating emergency flight

10-30-80 / Urban transportation planning; comments by

10-30-80 / Urban transportation planning; comments by

10-23-80 / Yacht documentation fees; comments by

Urban Mass Transportation Administration-

Comptroller of the Currency-79493 12-1-80 / Adjustable-rate mortgages; comments extended to 12-30-80 [Originally published at 45 FR 64196, 9-29-80] 10-29-80 / Fiduciary powers of national banks and 71571 collective investment funds; comments by 12-31-80 75669 11-17-80 / Securities Exchange Act Disclosure Rules applicable to corporations other than banks; comments by 1-2-81 Internal Revenue Service-71367 10-28-80 / Investment credit for qualified rehabilitated buildings; comments by 12-29-80 UNITED STATES REGULATORY COUNCIL 62304 9-18-80 / Guidelines for entries for the Calendar of Federal Regulations; comments by 12-30-80 **Next Week's Meetings** COMMERCE DEPARTMENT National Telecommunications and Information Administration-79862 12-2-80 / Grant Appeals Board of the Public Telecommunications Facilities Program, Washington, D.C. (open), 12-23-80 DEFENSE DEPARTMENT Office of the Secretary-70039 10-22-80 / Wage Committee, Washington, D.C. (closed). 12-23-80 **VETERANS ADMINISTRATION** 59470 9-9-80 / Wage Committee, Washington, D.C. (closed). 12-22-80 **Next Week's Public Hearings** INTERIOR DEPARTMENT Land Management Bureau-80190 12-3-80 / Powder River Regional Coal Team, Gillette, Wyo., 12-23-80 Surface Mining Reclamation and Enforcement Office-12-8-80 / Resubmitted Oklahoma Permanent Regulatory 80837 Program, Muskogee, Okla., 12-23-80 List of Public Laws Last Listing December 16, 1980

TREASURY DEPARTMENT

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the Federal Register but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

- S. 1918 / Pub. L. 96-513 Defense Officer Personnel Management Act (Dec. 12, 1980; 94 Stat. 2835) Price \$4.
- H.R. 7724 / Pub. L. 96-514 Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1981, and for other purposes (Dec. 12, 1980; 94 Stat. 2957) Price \$1.75.
- H.R. 5496 / Pub. L. 96-515 National Historic Preservation Act Amendments of 1980 (Dec. 12, 1980; 94 Stat. 2987) Price \$1.50.
- S. 568 / Pub. L. 96-516 National Science Foundation Authorization and Science and Technology Equal Opportunities Act (Dec. 12, 1980; 94 Stat. 3007) Price \$1.
- H.R. 6933 / Pub. L. 96-517 To amend the patent and trademark laws (Dec. 12, 1980; 94 Stat. 3015) Price \$1.25.
- S.J. Res. 213 / Pub. L. 96-518 To designate the Clinical Center of the National Institutes of Health located in Montgomery County, Maryland, as the "Warren Grant Magnuson Clinical Center of the National Institutes of Health" (Dec. 12, 1980; 94 Stat. 3030) Price \$1.

- H.R. 6086 / Pub. L. 96-519 To provide for the settlement and payment of claims of United States civilian and military personnel against the United States for losses resulting from acts of violence directed against the United States Government or its representatives in a foreign country or from an authorized evacuation of personnel from a foreign country (Dec. 12, 1980; 94 Stat. 3031) Price \$1.
- H.R. 8228 / Pub. L. 96-520 To provide that a certain portion of Lake Erie shall be declared nonnavigable (Dec. 12, 1980; 94 Stat. 3033) Price \$1.
- H.R. 6211 / Pub. L. 96-521 To authorize the Secretary of the Interior to issue certain patents under the Color of Title Act (Dec. 12, 1980; 94 Stat. 3037) Price \$1.
- H.R. 7805 / Pub. L. 96-522 To authorize appropriations for the American Folklife Center for fiscal years 1982, 1983, and 1984 (Dec. 12, 1980; 94 Stat. 3038) Price \$1.
- H.R. 7466 / Pub. L. 96-523 To amend section 3102 of title 5, United States Code, and section 7 of the Federal Advisory Committee Act to permit the employment of personal assistants for handicapped Federal employees both at their regular duty station and while on travel status (Dec. 12, 1980; 94 Stat. 3039) Price \$1.
- H.R. 7815 / Pub. L. 96-524 To recognize the meritorious achievements of certain individuals by providing for the designation of certain post offices in their honor, and for other purposes (Dec. 12, 1980; 94 Stat. 3042) Price \$1.
- H.R. 8388 / Pub. L. 96-525 To amend the Foreign Assistance Act of 1961 to authorize appropriations for international disaster assistance for the victims of the recent earthquakes in southern Italy (Dec. 12, 1980; 94 Stat. 3043) Price \$1.
- H.R. 7631 / Pub. L. 96-526 Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1981 (Dec. 15, 1980; 94 Stat. 3044) Price \$1.50.
- H.R. 8105 / Pub. L. 96-527 Department of Defense Appropriation Act, 1981 (Dec. 15, 1980; 94 Stat. 3068) Price \$1.75.
- H.R. 7591. / Pub. L. 96-528 Making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1981, and for other purposes (Dec. 15, 1980; 94 Stat. 3095) Price \$1.50.

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the Federal Register during the previous week.

RULES GOING INTO EFFECT

12-12-80 / SBA-Nondiscrimination on basis of handicap 81734 in financial assistance programs; effective 12-12-80

DEADLINES FOR COMMENTS ON PROPOSED RULES

- 12-12-80 / Labor/ETA-Migrant and other seasonally 81768 employed farmworkers program under Comprehensive Employment and Training Act; comments by 1-12-81
- 12-12-80 / Interior/BIA-Indian Child Welfare Act grants; 81781 further implementation; comments by 1-12-81
- 12-10-80 / USDA/FmHA-Community domestic water 81211 and waste disposal systems developmental grants; comments by 2-9-81

APPLICATIONS DEADLINES

- 81639 12-11-80 / Commerce/MBDA-Financial Assistance Application Announcement; apply by 1-8-81
- 12-11-80 / Commerce/MBDA-Financial Assistance 81639-
- Application Announcement (5 documents); apply by 81641
- 12-10-80 / Commerce/MBDA-General Business Services 81243 Program, one project in Baltimore, Md.; apply by 1-16-81

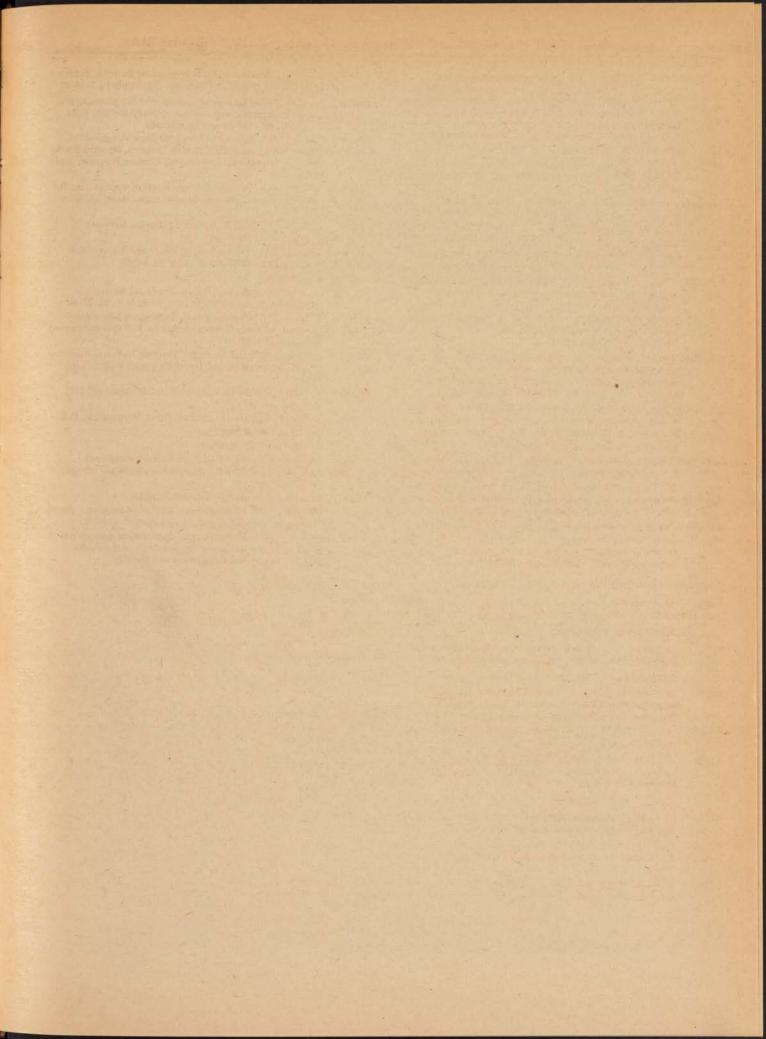
- 12-10-80 / Commerce/MBDA-General Business Services 81243 Program, one project in Pittsburgh, Pa.: apply by 1-16-81
- 12-12-80 / ED-Emergency School Aid Act planning and 81814 transitional grants; applications received too late to be processed by 9-30-81 will be returned
- 12-8-80 / ED-Special Services for Disadvantaged 80866 Students Program, Talent Search Program, Upward Bound Program, Educational Opportunity Centers Program; apply by 1-28-81
- 12-8-80 / ED-Teacher Centers program; applications for 80994 new projects and noncompeting continuations; apply by
- 12-11-80 / ED/ERIO-National Diffusion Network 81646 Program; apply by 1-5-81
- 12-8-80 / HHS/HSA-Sudden infant death syndrome 80906 program competitive grant; apply by 3-3-81

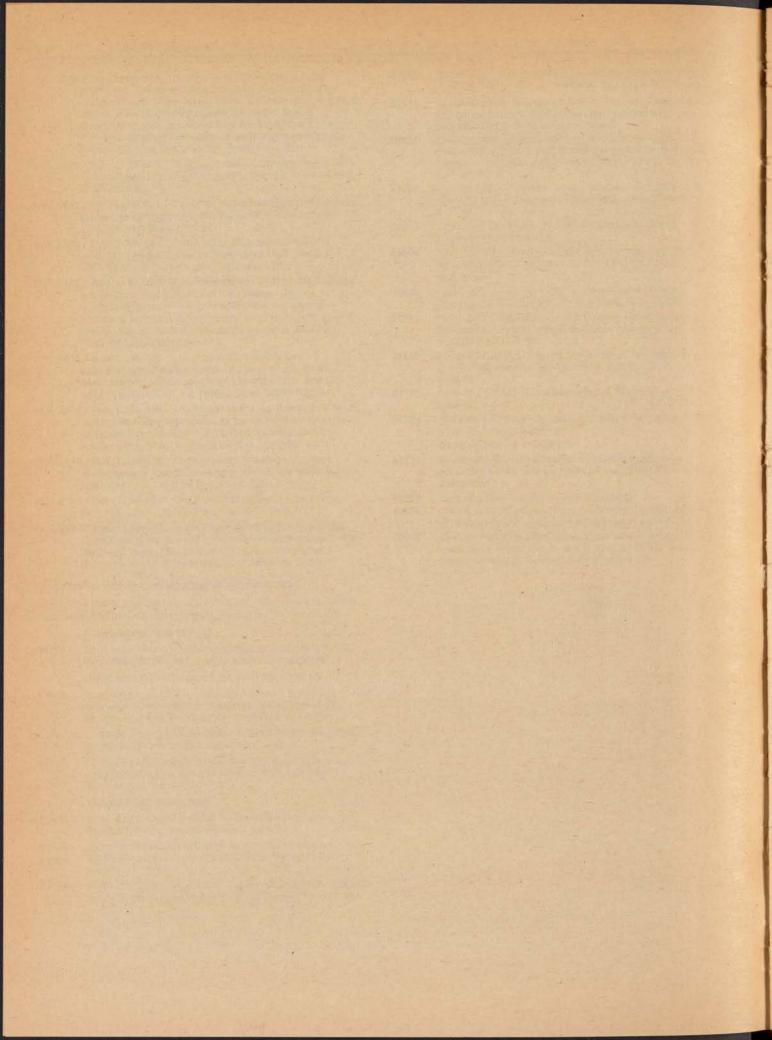
MEETINGS

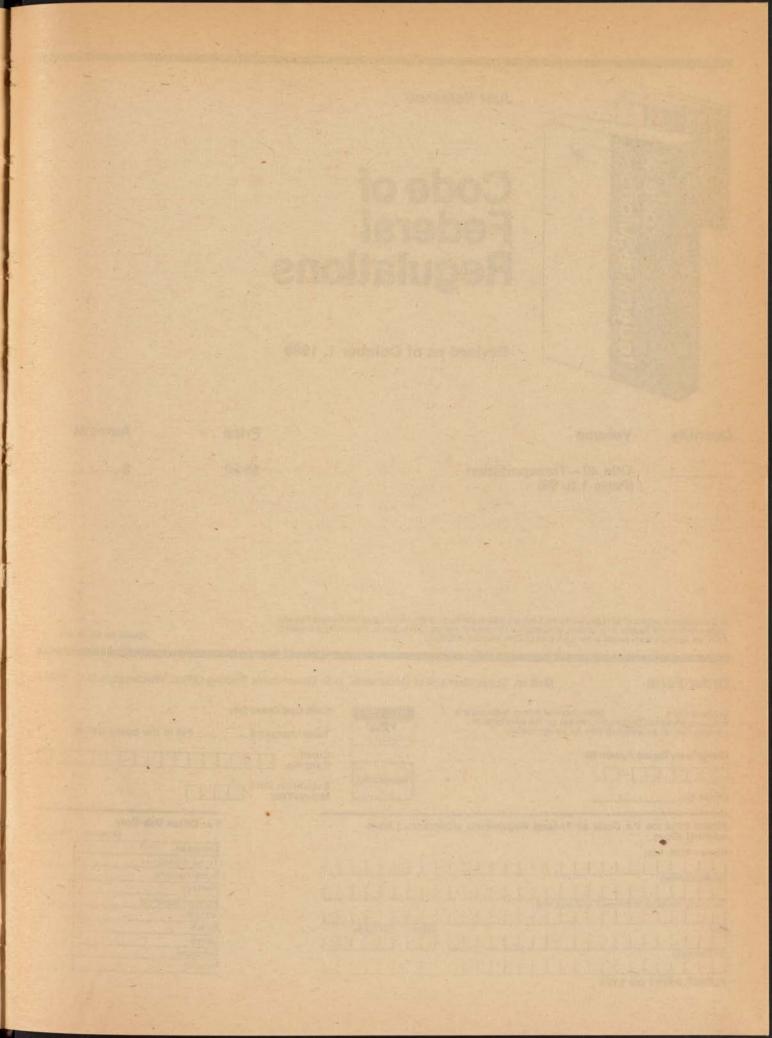
- 12-11-80 / Commerce/MBDA-Financial Assistance 81639 Application Announcement, New York, N.Y., 12-22-80
- 81263 12-10-80 / HHS/HRA-Heath Professions Education National Advisory Council, Bethesda, Md. (partially open), 1-12 through 1-14-80
- 12-10-80 / HHS/HRA-Nurse Training National Advisory 81263 Council, Hyattsville, Md. (partially open), 1-26 through
- 12-9-80 / NFAH-Humanities Panel, Washington, D.C. 81133 (closed), 1-6-81
- 12-12-80 / NFAH-Humanities Panel, Washington, D.C. 81904 (closed), January Meetings

OTHER ITEMS OF INTEREST

- 12-12-80 / ED-Distribution of Federal vocational 81813 education funds by State boards for vocational education; interpretation
- 12-8-80 / ED-Teacher Centers program 80988
- 12-8-80 / HHS/HRA-Nursing education programs, study 80906 of Federal financial support; delegation of authority
- 12-8-80 / HHS/PHS-Technical assistance demonstration 80908 grant and contracts under Section 340A of the Public Health Service Act; delegations of authority









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